

45

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Bail Appln. No. S- 80 of 2019.

Date of hearing	Order with signature of Judge
15.03.2019.	

1. For orders on office objections.
2. For hearing of bail application.

Messrs Irfan Badar Abbasi and Ashique Hussain Kalhoro,
Advocates for applicant.

Mr. Sharafuddin Kanhar, A.P.G.

Advocate for complainant is not in attendance. However,
complainant is present in person.

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**Muhammad Saleem Jessar, J:** Through this application, applicant Niaz Ali son of Rato has sought for his admission to *pre-arrest bail* in Crime No.02/2019, registered at Police Station Mian-Jo-Goth (*District Shikarpur*), for offences punishable under Sections 511, 376 and 452 PPC.

The allegation against present applicant as per F.I.R lodged by complainant Mst. Lal Khatoon is that, he in company of three unknown accused persons entered house of complainant and attempted to commit “Zina” with her.

It appears that, F.I.R is delayed for about nine days and this sole ground of delayed F.I.R makes the case as doubtful entitling applicant to concession of bail. It is case of prosecution that, applicant/ accused duly armed with T.T pistol accompanying three other co-accused entered house of complainant and tried to commit “Zina” with complainant, but on arrival of two prosecution witnesses, they left the complainant, though one of the accused was having pistol, while witnesses were empty handed. If, accused had come with intention of committing “Zina”, he must had done so. Admittedly, no offence of “Zina” was committed, as case of prosecution itself is that of only attempt. In these circumstances, the question, whether the applicant/ accused attempted to commit “Zina” with complainant or not is a question, which would be determined by the learned trial Court after recording evidence of the parties at trial.

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A tentative assessment of all the above factors makes the case of applicant, as one of further enquiry in terms of *subsection (2) of Section 497 Cr.P.C.* Accordingly, the instant bail application stands allowed. Consequently, interim pre-arrest bail already granted to applicant vide Order dated 11.02.2019, is hereby confirmed on same terms and conditions.

Before parting with this order, it is made clear that, observations made herein above are tentative in nature and would not prejudice case of either party at trial.



JUDGE

Ansari/*