

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

Cr. Bail Appl. No.S-805 of 2015.

DATE	ORDER WITH SIGNATURE OF JUDGE
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09.09.2015.

Mr. Muhammad Shafi Kashmiri Advocate for the applicant.
Syed Zakir Hussain Advocate for the complainant.
Syed Meeral Shah Deputy Prosecutor General Sindh .
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NAZAR AKBAR J: Through this application, applicant Mst. Roshan Bibi seeks post arrest bail in Crime No.75/2015 of P.S. Digri u/s 364-A, 34 PPC. The bail plea of the applicants has been turned down by learned trial court vide order dated 14.07.2015.

2. Briefly stated facts of the prosecution case are that on 26.06.2015 complainant had gone to Sanghar where his son Atta ur Rehman informed him that his brother Muhammad Umar has been abducted by Sabir Ghani, Saifullah, Muhammad Islam and one unknown person by taking him in a High roof carry No.7197, when he raised cries, the accused persons pointed their weapons to silent him. On such information, the complainant came back and disclosed the facts to brotherly people but no decision was made, hence he appeared at P.S and reported the incident.

3. The allegation against the applicant is that abductee minor Muhammad Umar having burn injuries was recovered on 25.06.2015 at 1000 hours from the house of applicant, thus, the applicant was implicated in the present case.

4. Learned counsel for the applicant submits that the applicant/accused is not nominated in the FIR; there is no allegation of her involvement in alleged abduction of the minor; that the minor abductee was not recovered from the exclusive custody of the applicant; that the applicant/accused is a lady of about 50 years of age. Learned counsel has submitted that the case against the applicant requires further inquiry as envisaged u/s 497(2) Cr.P.C and she is entitled for concession of bail.

5. Learned Deputy Prosecutor General Sindh duly assisted by learned counsel for the complainant opposed the grant of bail on the ground that the applicant is involved in commission of offence of abduction of a minor aged about two years who was recovered from the house of the applicant, therefore, she is not entitled for concession of bail.

6. I have heard learned counsel for the parties and perused the record.

7. Admittedly the applicant/accused is a woman of over 50 years of age and she has not been even nominated in the FIR. It is alleged that the abductee who happens to be close relative of the applicant has been recovered by the police from her house. It cannot be determined at this stage that she was detaining this child in her house and all these facts are enough to admit a woman accused on bail in terms of first proviso of section 497 Cr.P.C. Accordingly, applicant/accused is admitted to bail subject to furnishing solvent surety in the sum of Rs.50,000/- and P.R bond in the like amount to the satisfaction of the trial court.

JUDGE

A.K