

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Crl. Bail Application No.1564 of 2016

Date	Order with signature of Judge
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For hearing of bail.

1. For orders on Misc: No.10599/2016
 2. For orders on Misc: No.10600/2016
 3. For hearing of bail.
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28.10.2016

Mr. Moula Bux Bhutto, Advocate alongwith applicant.

1. Urgency granted.
2. Exemption allowed subject to all just exceptions.
3. Through this bail application, Applicant/accused Mst. Kiran Aamir seeks bail before arrest in Crime No.197/2016, registered under sections 365-b/34 PPC, at police station Sir Syed, Karachi.

It appears that Bail before arrest application was moved by the applicant/accused before learned VIth Additional District & Sessions Judge, Central Karachi, and she was granted interim bail on 13.10.2016 but the same was rejected by the trial Court vide order dated 27.10.2016. Thereafter, the applicant/accused approached this Court.

Brief facts of the prosecution as disclosed in the F.I.R. are that the complainant Mst. Jandan Khatoon is residing in House No.C-120, Sector 7-A, North Karachi alongwith her family and doing job as maid-servant at houses. On 13.08.2016 she left her home for work and returned back at about 1130 hours, she found her daughter namely Nousheen missing. On enquiry, her relatives Mohammad Abu Zar and Javed informed her that her daughter has been enticed away by the persons namely (1) Mst. Kiran Bibi, (2) Bilal, (3) Shahrukh, (4) Rafique Ahmed with intention of kidnap her and committing Zina. Thereafter the complainant reported the incident to the police and F.I.R. was registered on 14.8.2016.

Learned counsel for the applicant/accused contended that the applicant has been falsely implicated in this case. He further contended that the enmity for impleading the applicant was that the

complainant who is maid in the house of applicant/accused demanded huge amount of money from the applicant/accused which was refused, therefore, she had concocted this story. She was granted interim bail before arrest by the trial Court on 13.10.2016 but on 27.10.2016 the learned trial Court has refused the bail of the applicant on the ground that the victim has also implicated the applicant in her statement recorded under Section 164 Cr.P.C.

Learned counsel for the applicant/accused has failed to make out a case for bail before arrest as the element of malafides was not even alleged. The applicant has been specifically nominated in the FIR and the names of witnesses who saw her going with the victim have been mentioned in the FIR. On enquiry of the Court that applicant/accused has joined the investigation after she was granted interim bail before arrest by the trial Court, the learned counsel replied that since challan has been submitted and the investigation was completed, therefore, there was no question of joining investigation. It means that she has not co-operated with the prosecution after her interim bail before arrest. The record shows that the victim has implicated the applicant/accused in detail in her statement under Section 164 Cr.P.C. The applicant was in the car when the victim was made unconscious by intoxicated towel while on the way to hospital where victim's mother was allegedly under treatment after an accident. The victim was persuaded to join the applicant and other accused on the false story that her mother has met with an accident.

In view of above facts no case is made out for grant of pre-arrest bail. The bail before arrest application is dismissed.

J U D G E

Ayaz Gul