

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Crl. Bail Application No.1619 of 2016

Date	Order with signature of Judge
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For hearing of bail application.

1. For orders on Misc: No.10952/2016
 2. For orders on Misc: No.10953/2016
 3. For hearing of bail.
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09.11.2016

Mr. Muhammad Rafi, Advocate alongwith applicants Bilal, Shahrukh Shahid and Muhammad Rafiq.

1. Urgency granted.
2. Exemption allowed subject to all just exceptions.
3. Through this bail application, Applicants/accused Bilal, Shahrukh Shahid and Muhammad Rafiq seek 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 applicants/accused before learned VIth Additional District & Sessions Judge, Central Karachi, and they were granted ad-interim pre-arrest bail on 30.09.2016 but the same was rejected by the trial Court vide order dated 27.10.2016. Thereafter, the applicants/accused approached this Court after 12 days.

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 applicants/accused contended that the applicants have been falsely implicated in this case. He further contended that the enmity for impleading the applicants was that the complainant who is maid in the house of co-accused Mst. Kiran Aamir where the applicants/accused are also home servants demanded huge amount of money from the applicants/accused which was refused, therefore, she had concocted this story. The applicants were granted interim bail before arrest by the trial Court on 30.09.2016 but on 27.10.2016 the learned trial Court has refused the bail on the ground that the victim has also implicated the applicants in her statement recorded under Section 164 Cr.P.C.

It is pertinent to mention here that the trial Court on 27.10.2016 has also dismissed the bail application of co-accused Mst. Kiran Aamir and on the next day Mst. Kiran Aamir has approached this Court for grant of bail before arrest. Her bail application has been declined by this Court. Now after 12 days these applicants/accused, who were nominated in the same FIR, have approached this Court for bail before arrest. They have no better case than the case of co-accused Mst. Kiran Aamir. The rule of consistency applies both in case of grant and refusal of bail to the co-accused. Therefore, since the interim pre-arrest bail application No.1564/2016 filed by co-accused Mst. Kiran Amir was dismissed by this Court by order dated 28.10.2016 and the role or allegation against the present applicants is not favourable distinguished, therefore, following the rule of consistency, the instant application for bail before arrest is dismissed.

J U D G E