

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

**Crl. Bail Appln: No.S-469 of 2018.**

Ghulam Mustafa @ Matoo. . . . .Applicant.

Versus.

The State. . . . .Respondent.

Mr. Wali Muhammad Khoso, Advocate for the applicant.

Ms. Romeshan Oad, APG.

Mr. S.M. Imran Alvi, Advocate for the complainant.

Date of hearing and order 27.06.2018.

**ORDER**

**IRSHAD ALI SHAH, J.** It is alleged that the applicant put an attempt to commit rape with Baby Ayat, for that the present case was registered.

2. On having been refused post-arrest bail by the learned Additional Sessions Judge, Matiari, the applicant now has sought for the same from this Court by way of making the instant bail application under section 497 Cr.P.C.

3. It is contended by the learned counsel for the applicant that he being innocent has been involved in this case falsely by the complainant party on the basis of suspicious alone. By contending so, he sought for release of the applicant on bail on point of further inquiry. In support of his contention, he relied upon the order dated 13.06.2018 of this Court, passed in Cr. Bail Application No.S-1159 of 2017 regarding **Waseem Akbar Mallah v. the State.**

4. Learned counsel for the complainant has opposed to grant of bail to the applicant by contending that he is fully involved in commission of the incident.

5. Learned APG has supported the order of the learned Additional Sessions Judge, Matiari.

6. I have considered the above arguments and perused the record.

7. As per medical opinion no mark of violence was found on the body of Baby Ayat, her hymen was found intact. It was the case of mere attempt to commit rape with her, the involvement of the applicant is based on suspicious alone and he is in custody since two months. In these circumstances, it is rightly being contended by the learned counsel for the applicant that the applicant is entitled to grant of bail, as his case is calling for further inquiry.

8. In view of above while relying upon the order of this Court which is referred by the learned counsel for the applicant, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.50,000/- (Rupees fifty thousand) and P.R. Bond in the like amount to the satisfaction of the learned trial Court.

9. The instant bail application is disposed of in above terms.

JUDGE

Shamshad/P.S.