

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**Cr. Bail Application No.1037 of 2018**

Date	Order with signature of Judge
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For hearing of Bail Application.

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**13.02.2019**

Ms. Fozia Aslam, advocate for the applicant.  
Ms. Rahat Ahsan, Additional P.G.

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**NAZAR AKBAR, J.** The Applicant Mst. Mehreen after failing to obtain post arrest bail from the Court of III-Additional District & Sessions Judge, South Karachi in FIR No.186/2014 under Section 302/109/114/120-B/34 PPC registered at P.S Tipu Sultan, Karachi has preferred this bail application.

2. Brief facts as stated in the FIR are that on **25.08.2014** victim/ Kaleemullah has gone to drop his children to their school in his Car No.BP-350, Honda Civic, when he was returning back at 0745 hours and reached at Baloch Colony flyover service road near United Catering, five persons sitting on two motorcycles stopped him and tried to snatch his purse and on his resistance they made fires upon him, in result of their firing, the victim got seriously injured and expired at the spot. FIR was lodged by the complainant against unknown accused persons. As per report under Section 173 Cr.P.C Investigation Officer on the statement of accused namely Irfan Khan @ Chotto police arrested another accused namely Akbar Raza @ Umair and recovered articles of deceased i.e mobile phone and copy of CNIC and on statement of said accused police arrested widow of deceased Kaleemullah (the present applicant).

3. The counsel for applicant has contended that the applicant/accused is innocent and has been falsely implicated in the instant case by the complainant with malafide intention. He further argued that the prosecution witnesses are interested witnesses and there is no material evidence on the record of prosecution to show the guilt of accused. He prayed that the case of applicant/accused does not fall under the prohibitory clause of Section 497 Cr.P.C, therefore, the applicant/accused is entitled for grant of bail.

4. Conversely, learned Additional P.G has opposed the grant of bail application on the ground that the applicant is involved in a heinous crime of murder of her husband, therefore, in terms of Section 497 Cr.P.C she is not entitled for concession of bail.

5. I have considered the arguments advanced by the counsel for the parties and examined the contents of FIR and challan and noted from the record as follows:-

- i. From police record it appears that there are several pictures of applicant with co-accused Akbar Raza which suggest that she had extra matrimonial relationship with him, therefore, motive was obvious.
- ii. According to investigation, two mobile phones which were in personal use of co-accused Akbar Raza were also seized from his house.
- iii. The selfies/pictures of applicant with co-accused leads to reasonable ground to connect the applicant in this crime. Besides, sufficient material is available with the prosecution to connect the applicant with commission of the alleged offences.

6. The offence is punishable for imprisonment for life and therefore, as rightly contended by the learned Additional P.G that in terms of Section 497 Cr.P.C the accused shall not be entitled to bail

as there appear reasonable grounds for believing that she has been guilty of (an offence punishable with death or imprisonment for life).

7. The cruxes of the above discussion is that keeping in view the above facts and discussion the applicant is not entitled to post-arrest bail at this stage and, therefore, instant Criminal Bail Application is dismissed.

8. Needless, to mention here that the observations made hereinabove are tentative in nature and should not influence trial Court while deciding the case of the applicant/accused.

JUDGE

Ayaz Gul