

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No.1446 of 2018

Date	Order with signature of Judge
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For hearing of bail application

01.04.2019

Mr. Muhammad Riaz Shahid, advocate for the applicant.
Malik M. Tariq, advocate for the Complainant.
Ms. Rahat Ahsan, Addl. P.G

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The applicant/accused is facing trial in Crime No.210/2018 under Section 376/511 PPC registered at P.S. Ibrahim Hyderi. The applicant after failing to obtain bail from the Court of Additional Sessions Judge-V Malir, Karachi has preferred this bail application.

2. Brief facts of the prosecution case are that on 31.05.2018 at 0100 hours, complainant Mst. Majida W/o Muhammad Ameen lodged instant FIR, wherein she stated that on 30.05.2018, her minor daughter Nasreen aged about 06 years went outside the house for play. At about 02:00 PM, she returned back to home and she was crying. On inquiry, minor Nasreen disclosed her mother that one mohalla boy took her in house, where he attempted to commit rape with her. On her hues and cries, he left her and ousted her from his house. Due to severe pain of her minor daughter, complainant brought her at Korangi hospital and thereafter she approached to concern police station and lodged instant FIR against unknown accused person.

3. Learned counsel for the applicant/accused has contended that applicant/accused is quite innocent and has falsely been implicated in this case by the complainant. Learned counsel further contended that complainant concocted false story against applicant/accused. It is next contended that FIR is lodged with delay of about one day. It is

further contended that charge sheet has been submitted and applicant / accused is not required for further inquiry.

4. Learned Addl. P.G contends that minor/victim has pointed out the house of present applicant/accused and specific role is attributed and applicant / accused is involved in a heinous crime, therefore, present applicant/accused is not entitled for concession of bail.

5. I have heard the arguments and perused the record and I have noticed as under:-

- i. The name of applicant / accused is not mentioned in the FIR but after lodging of FIR minor/victim Nasreen aged about 06 years has pointed out the house of the present applicant / accused, where he attempted to commit rape with her.
- ii. The prosecution witnesses Mst. Mehmood and shopkeeper Muhammad Younis have also seen the present applicant/accused alongwith victim/minor before the incident.
- iii. Complainant's version is fully supported by medical report.
- iv. The offence is punishable with life imprisonment and neither any enmity has been alleged by applicant with the complainant party nor otherwise there is any reason to disbelieve the innocent victim.

5. In view of the above facts and circumstances, the present applicant/accused has no case for grant of bail; therefore, instant bail application is dismissed.

6. 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

SM