

ORDER-SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Crl. Bail Application No. 703 of 2019.

Date of hearing	Order with signature of Judge
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03.07.2019.

Mr. Muhammad Azad Khan, advocate for the applicant  
Mr. Sarkaruddin advocate for complainant  
Mr. Sagheer Ahmed Abbasi, APG.

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FAHIM AHMED SIDDIQUI, J: The applicant succeeded in getting interim pre-arrest bail in a case registered against him at Police Station Yousuf Plaza through lodgement of FIR No. 43/2019, under Sections 380, 354, 427 & 452 PPC and the same is fixed before me for confirmation or otherwise. Prior to approaching before this Court, a similar plea raised by the applicant before the lower forum remained fruitless through order dated 23-04-2019, which is impugned here.

2. The learned advocate for the applicant and the learned Prosecutor argued the matter at length. After considering their valued submissions and consulting the available record, I have observed as under:

- (a) The allegations levelled by the complainant against the applicant are that he entered the house of the complainant by breaking the back side door at a time when his wife was alone and sleeping. He had committed theft of 7/8 thousand rupees from Almeria and thereafter he came over his wife and tried to extend his hand to her modesty, who resisted due to which her bangles and mobile phone was broken. Due to such resistance, the applicant escaped from the scene of offence.
- (b) Although there is no eyewitness of the incident but the applicant is well nominated within the body of F.I.R. and since no one was present at the time of offence; therefore, non-availability of eyewitnesses is comprehensible.
- (c) The applicant is the son of the landlord of complaining party and there is no reason available on the record to believe that he has

been falsely implicated in the instant case out of malice or with some ulterior motives.

- (d) During investigation the mother of applicant namely Madiha and his brother namely Faisal Shah have recorded their statements under Section 161 CrPC in which they have also levelled serious allegations against the applicant.
- (e) It has also alleged by the counsel for the complainant that the applicant is a man of dubious character and once he has extended his hand towards the modesty of the maid of his own house.
- (f) In her statement under Section 161 CrPC, the mother of applicant has stated that due to immoral activities of the applicant, she has disowned the applicant and such publication was also made in newspapers.

3. In view of the above observation, I am of considered opinion that no case of pre-arrest bail has been made out for the applicant hence the instant bail application is declined and the interim bail order dated 16-05-2019 is recalled.

4. These are the reasons for my short order dated 03-07-2019 and I would like to make it clear that the above observations are purely tentative in nature, and the same is only meant for the purpose of disposal of instant pre-arrest bail application and would have no bearing on either party's case during trial.

**JUDGE**

Dated: \_\_\_\_\_