

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-355 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case.

02.09.2019.

Mr. Hemandas, advocate along with applicants.
Ms. Safa Hisbani, A.P.G.
Mr. Omparkas, advocate for complainant.
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Irshad Ali Shah J;- It is alleged that the applicants in furtherance of their common intention abducted baby Heerki aged about 09 years, said to be daughter of Sht.Hemili for that the present case was registered.

2. The applicants on having been refused pre arrest bail by the learned Ist Additional Sessions Judge, Umerkot have sought for the same from this court by way of instant application U/S 498 Cr.P.C.

3. It is contended by the learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party in order to satisfy her enmity with them and the FIR is lodged by the complainant with unexplained delay of about six months only to save her husband from rape case. By contending so, he sought pre-arrest bail for the applicants on point of malafide.

4. Learned A.P.G for the State and learned counsel for the complainant have opposed to grant of pre-arrest bail to the applicants by contending that the abductee has not yet been recovered.

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

6. The FIR has been lodged by the complainant with delay of about six months, after having recourse under Section 22-A & B Cr.P.C. It was reported by the police before learned Ex-officio Justice of peace that no incident has taken place and complainant in order to save her husband from a rape case has managed a false story of abduction of her daughter. If such report tentatively is believed to be true, then it makes the involvement of the applicants in this case to be false one. In these circumstances, it is rightly being contended by learned counsel for the applicants that the applicants are entitled to grant of pre-arrest bail on point of malafide.

7. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

8. The instant application is disposed of accordingly.

JUDGE