

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Bail Appln: No. S-121 of 2018.

Abdul Qadir.Applicant.

Versus.

The State.Respondent.

Mr. Muhammad Shafiq Khan, Advocate for the Applicant.

Applicant is present on interim pre-arrest bail.

Ms. Sana Memon, APG. alongwith SIP Ranomal of PS: City Umerkot.

Complainant and abductee present in person.

Date of hearing and order 28.06.2018.

ORDER

IRSHAD ALI SHAH, J. It is alleged that the applicant abducted Jamshed, kept him confined illegally and then committed sodomy with by way of maltreatment, for that complainant Shahmir lodged the FIR of the present case after seeking such direction from the learned Ex-Officio Justice of Peace having jurisdiction.

2. On having been refused pre-arrest bail by the learned Sessions Judge, Umerkot, the applicant has sought for the same from this Court by making the instant bail application under section 498 Cr.P.C.

3. It is contended by learned counsel for the applicant that there is delay of two years in lodging of FIR, the alleged abductee came back to his home voluntarily, medical evidence is not supporting the allegation of sodomy with the abductee. By contending so, he sought for pre-arrest bail for the applicant, as he according to him he is apprehending his unjustified arrest at the hands of police, which is motivated by the complainant party.

4. The complainant and victim of the incident have opposed to grant of bail to the applicant by contending that he is still issuing threats of dire consequences to them.

5. Learned APG conceded to the grant of bail to the applicant.

6. I have heard learned counsel for the parties and perused the record.
7. There is delay of about two years in lodging of FIR, same could not be lost sight of. The abductee has come back to his house voluntarily, the allegation of sodomy with the abductee is not proved on medical examination. Learned APG has conceded to grant of bail to the applicant. In these circumstances, it is rightly being contended by the learned counsel for the applicant that he is entitled to grant of pre-arrest bail, as he is apprehending his unjustified arrest at the hands of police.
8. In view of above, the interim pre-arrest bail already granted to the applicant is confirmed on same terms and conditions.
10. The instant bail application stands disposed of in above terms.

JUDGE