



abducted by one Amanullah (the applicant/accused) with intention to commit zina with her, therefore, the said FIR was lodged against him.

3. Learned counsel for the applicant contended that the abductee wanted to marriage with applicant and executed free will at Circuit Court, Larkana and also filed petition before the Circuit Court at Larkana. He further contended that the applicant/ accused is innocent and no offence has been committed by him, therefore, his case falls within the ambit of further enquiry. It is further submitted that applicant is neither previous convicted nor likely to temper with the PWs or abscond away after release on bail.

4. On the other hand, learned Additional Prosecutor General representing the State has opposed the bail application and contended that the abductee's statement was recorded in the Court Room of Circuit Court, Larkana High Court on the day when she was presented by Amanullah co-accused and accused Rashid to avoid investigation of an FIR which was registered on 26.09.2018. They have run away from Circuit Court, Larkana when the Court ordered to record her statement. In her first statement she has categorically nominated the co-accused Amanullah as one of the main culprits who kidnapped her and committed rape with her and forced her to sign documents to give legal cover to their heinous crime of rape with her. She further contended that not only the abductee was subjected to rape but she was also physically assaulted and maltreated and such marks of violence can be found on her body for which other offences under Sections 337-V/345/371-A/511/376/506-B and 34 PPC have been added by the prosecution in the challan as such she prayed that present bail application may be dismissed.

5. I have considered the arguments of learned counsel for the parties and perused the record. From perusal of FIR and challan I have observed that:-

- i. From the date of her enticing away from Karachi by the applicant and others on **25.09.2018**, the victim on **10.10.2018** when personally appeared before High Court Circuit Bench at Larkana had instantly made her incriminating statement in the Court Room No.2 at Circuit Court, Larkana;
- ii. Learned counsel for the applicant has read out the entire statement in which she has very elaborately discussed the circumstances in which she has been subjected to a heinous crime and faced torture.
- iii. The accused have run away from the Circuit Bench of High Court at Larkana and that is how she was recovered by the police;
- iv. The medical report and the photographs available in police file clearly indicate marks of torture on her body and even otherwise corroborate offence of zina committed on her.
- v. The applicant/accused is nominated in the FIR with specific role of kidnaping the abductee;
- vi. In her first statement before the police the abductee has stated that she was forced to sign on Nikahnama for her alleged marriage with the applicant Rashid;

6. In view of the above, since the applicant has made a heinous offence, therefore, no case for bail is made out. There appear reasonable grounds for believing that he has been guilty of an offence punishable under Sections mentioned in the FIR and the challan.

7. The cruxes of the above discussion is that keeping in view the above facts and discussion the applicant is not entitled to bail at this stage and, therefore, instant bail application is dismissed.

8. The observations made hereinabove are tentative in nature and would not influence trial Court while deciding the case of the applicant/accused.

JUDGE

SM