

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 938 of 2020

Mst. Adeeba Khan.....Applicant

Versus

The State.....Respondent

Criminal Bail Application No. 939 of 2020

Mst. Adeeba Khan.....Applicant

Versus

The State.....Respondent

Criminal Bail Application No. 940 of 2020

Mst. Adeeba Khan.....Applicant

Versus

The State.....Respondent

Date of Hearing and Short Order :- **23.07.2020**

M/s. Muhammad Jameel & Raja Adnan Khan, advocate for applicant
Mr. Abdul Karim Junejo, advocate for complainant
Mr. Talib Ali Memon, APG for the State

ORDER

Fahim Ahmed Siddiqui, J: Applicant Mst. Areeba Khan wife of Adil Khan is involved in some criminal cases (FIR Nos. 560/2010, 472/2010 & 561/2010) lodged by three different women at PS Nazimabad regarding depriving them of their lifelong earnings fraudulently by the applicant and her family members. The applicant was arrested after remaining absconder for a long-time and now she is seeking her release on bail by filing the captioned three bail applications. Since allegations are

similar in nature, therefore; this order will suffice to dispose of all the three bail applications.

2. The offences reported in all the aforementioned FIRs attract Section 409, 406, 420 and 34 PPC in which some of the family members of the applicant are facing trial and/or behind the bars. The learned trial Court has already declined the applicant's bail plea in all the cases through impugned orders dated 04-06-2020.

3. I have heard the arguments advanced from either side and perused the available records in the light of valued submissions made before me. After edifying myself from the arguments advanced and perusal of records, I have observed as under:

- a) The allegations against the applicant and her co-accused are that they pretended to be engaged in real estate business and persuaded the complainant women to invest in some property and have taken a huge amount from them but neither the property was handed over to them nor returned the money.
- b) As per allegations leveled in the F.I.R., the applicant is the mastermind and she is behind the racket comprising her brother, mother et cetera.
- c) All the complainants of these cases belong to the middle-class and the money was handed over to the applicant and her family members, and allegedly the applicant, who was working in some financial company, siphoned out a colossal amount of money out of the country.
- d) The brother of the applicant namely Shakeel was arrested while her mother Mst. Azra (now deceased) succeeded in getting anticipatory bail but the applicant remained absconder in spite of the fact that her close

relatives were facing trial and her brother was arrested in these as well as other cases of the similar nature.

- e) It is believable that in the peculiar circumstances of these cases, the applicant was oblivion of the pendency of these cases.
- f) It reflects from the records that the applicant, who was employed in a banking company, was arrested in a banking offences case, and thereafter her arrest, in these cases, became possible.
- g) In these circumstances, it cannot be said that she had voluntarily appeared or surrendered to face trial but in fact, she remained a fugitive to law and trial for a period of about 10 years without any plausible explanation.
- h) The defence has greatly emphasized the gender of the applicant but it is also a fact that the complainants of all the three present cases belong to womenfolk. I considered that their miseries should also be given considerable weight as for the last 10 years they have been deprived of justice because the applicant remained absconder for such a long time.
- i) The prosecution has pointed out that the applicant is involved in so many other cases and all pertain to monetary cheating and fraud.
- j) The punishment as provided under Section 409 PPC, may fetch maximum incarceration stretched to a period of 10 years, as such the same falls within the ambit of the prohibited clause.
- k) The applicant remained absconder and her conduct describes that she is not mere absconder but a willful absconder, and **it is settled law that a willful**

absconder may deprive himself/herself of some relief(s) which otherwise available to him/her.

4. In view of the above observation, I am of the considered opinion that at least at this stage, the applicant is not entitled to any concession, as such her bail plea was declined through my short order dated 23-07-2020 and these are the reasons for the same.

5. Before parting, I would like to make it clear that all of the above observations are purely tentative and will have no bearing upon the trial of the applicant in any manner. Nevertheless, the trial Court is directed to pace up the trial and dispose of the case as soon as possible preferably within a period of four months.

J U D G E