

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.B.A.No.S-250 of 2020

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

02.11.2020.

Mr. Akhtar Ali Abro, Advocate for applicant.
Ms. Sobia Bhatti, A.P.G for the State.
Mr. Altaf Sachal R. Awan, Advocate for the complainant.

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Irshad Ali Shah J:- It is alleged that the applicant with rest of the culprits in furtherance of their common intention abducted complainant / victim Mst. Zoya and then subjected her to rape after administering some intoxicant substance and then let her to go, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Sessions Judge, Shaheed Benazirabad has sought for the same from this court by way of instant application under section 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant; there is delay of about seventeen days in lodgment of FIR; the DNA report is not supporting the case of prosecution and the applicant is in custody since eight months. By contending so, he sought for release of the applicant on bail on the point of further inquiry. In support of his contention he has relied upon case of ***Abdul Ghaffar vs The State and others (2016 SCMR 1523)***.

4. Learned A.P.G. for the State and learned counsel for the complainant have opposed to the grant of bail to the applicant by contending that the applicant has actively participated in commission of incident, which is affecting the society at large.

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

6. The FIR of the incident has been lodged by the complainant / victim with the delay of about 17 days that too after having a recourse u/s 22-A & B Cr.P.C, such delay could not be overlooked. The applicant is a female and there is no direct allegation of rape against her. Even otherwise, the complainant/victim has not disclosed the name of the applicant in her 164 Cr.P.C statement, which appears to be significant. The applicant is said to be in custody since eight months. In these circumstances, case for grant of bail to the applicant on point of further inquiry obviously is made out.

7. In view of above, the applicant is admitted to bail subject to her furnishing solvent surety in the sum Rs.50,000/- (rupees fifty thousand) and PR bond in the like amount, to the satisfaction of the learned trial Court.

8. The instant bail application is disposed of accordingly.

JUDGE

