

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-895 of 2020

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

23.11.2020.

Mr. Waheed Ahmed Awan, advocate along with applicant.
Ms. Sobia Bhatti, A.P.G for the State.

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Irshad Ali Shah J;- It is alleged that the applicant with one unknown culprit attempted to commit rape with complainant Mst. Najma, for that the present case was registered against him.

2. On having been refused pre-arrest bail by the learned 3rd Additional Sessions Judge, Shaheed Benazirabad, 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 the applicant being innocent has been involved in this case falsely; the FIR has been lodged with delay of about five days; no incident of rape has taken place and complainant has already recorded no objection to grant of bail to the applicant by filing her affidavit before learned trial Court. By contending so, he sought for pre-arrest bail for the applicant on point of further inquiry and malafide.

4. Learned A.P.G. for the State has opposed to grant of pre arrest bail to the applicant by contending that he has actively participated in commission of incident.

5. I have heard learned counsel for the parties and perused the record.

6. The FIR of the incident has been lodged with delay of about five days; such delay having not been explained plausibly could not be overlooked. No incident of rape has taken place and complainant by filing her affidavit has already recorded no objection to grant of bail to the applicant. The case has finally been challaned. In these circumstances, a case for grant of pre-arrest bail to the applicant on point of further inquiry and malafide is made out.

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

8. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa