

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-1046 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objection.
For hearing of main case.

07.12.2020.

Mr. Farhad Ali Abro, 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 being medical officer undertook DNC upon complainant Mst. Fozia Khan to abort her pregnancy at the instance of her husband Arsalan Ali, for that the present case was registered.

2. The applicant on having been refused pre arrest bail by learned Model Criminal Trial Court, Hyderabad has sought for the same from this Court by way of instant application u/s 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 by the complainant; the applicant was not in employment of *MARIE STOPES SOCIETY* at the time of alleged incident and on investigation the applicant has been found to be innocent by the police. By contending so, he sought for pre-arrest bail for the applicant on point of further enquiry and malafide.

4. Learned A.P.G. for the State has recorded no objection to grant of pre-arrest bail to the applicant.

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

6. The FIR of the incident has been lodged with delay of about eight months; such delay having not been explained plausibly could not be overlooked. The applicant it is said was not in employment of *MARIE STOPES SOCIETY* Hyderabad at the time of incident. The applicant on investigation has also been found to be innocent by the police. In that situation, a case for grant of pre-arrest bail in favour of applicant on point of malafide and further inquiry 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