

# IN THE HIGH COURT OF SINDH AT KARACHI

Present:

**Mr. Justice Amjad Ali Sahito**

Criminal Bail Application No.969 of 2020

Applicant : Muhammad Badshah S/o Lal Chand  
Through Mr. Abdul Rauf, Advocate

Respondent : The State  
Through Mr. Talib Ali Memon,  
Assistant Prosecutor General, Sindh

Date of hearing : 04.09.2020

Date of order : 04.09.2020

## **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.119/2020 registered under Sections 302 PPC at PS Docks, Karachi, after his bail plea has been declined by Addl. Sessions Judge-Xth, Karachi West vide order dated 03.03.2020.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused has mainly contended that applicant/accused is innocent and has falsely been implicated in this case; that there is a delay of one day in registration of the FIR, which is unexplained; that the deceased committed suicide but complainant implicated him in the commission of offence; however, no PW has implicated the present applicant in the commission of offence; that only circumstantial evidence is available on record. He lastly prays for grant of post-arrest bail.

4. On the other hand, learned APG has vehemently opposed for grant of post-arrest bail on the ground that the

dead body was recovered from the house of the applicant/accused; that baby Iqra in her 161 Cr.P.C. statement stated that she has been informed by the deceased not to come to home as her husband/present applicant is angry and kill her; that the rope was also recovered from the house of the applicant/accused.

5. I have heard the learned counsel for the parties and have gone through the material available on record. Admittedly, the name of the applicant/accused transpired in the FIR with specific role that with the help of a rope, applicant/accused strangled her neck which caused death of the deceased. Further, in 161 Cr.P.C. statement of PW baby Iqra, she stated that her father deliberately sent her to the house of maternal grandfather where the deceased/her mother informed her through telephone that she has been miserably tortured by the applicant/accused and advised her not to come to the house, else he will kill her. The I.O. of the case has also recovered the rope from the house. Further, the ocular evidence finds corroboration from the medical evidence. Prima facie sufficient material is available on record to connect the present applicant/accused with the commission of offence. At bail stage, only a tentative assessment is to be made and deeper appreciation is not permissible.

7. In view of the above, learned counsel for the applicant has failed to make out a case for grant of post-arrest bail. Accordingly, the instant Bail Application is dismissed.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE

Kamran/PA