

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.B.A.No.S-1206 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on MA-9073/2020
For orders on office objection
For hearing of main case

12.02.2021.

Mr. Mazhar Hussain Siyal, Advocate for applicant.
Ms. Sobia Bhatti, A.P.G for the State.
Mr. Inderjeet Lohana advocate for complainant.

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Irshad Ali Shah J:- It is alleged that the applicant with rest of the culprits abducted Mst. Farzana with intention to subject her to rape and also stolen gold ornaments and other belongings of complainant Sarfraz, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Sessions Judge, Umerkot has sought for the same from this court by way of instant application u/s 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 party; the FIR has been lodged with delay of about thirteen month and Mst. Farzana has put her appearance before police voluntarily. By contending so, he sought for release of the applicant on bail on the point of further inquiry.

4. Learned A.P.G. for the State has recorded no objection to grant of bail to the applicant while learned counsel for the complainant has

recorded objection to the grant of bail to the applicant by contending that he has actively participated in commission of incident.

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

6. The FIR of the incident has been lodged with the delay of more than one year; such delay having not been explained plausibly by the complainant could not be lost sight of. Mst. Farzana has been produced before the police by complainant, which appears to be surprising. Report of chemical examiner is in negative. More so, Mst. Farzana during course of pre-trial proceeding before learned Family Judge at Kunri in suit for jactitation of marriage has admitted co-accused Abrar to be her husband. In these circumstances, the guilt of the applicant obviously is calling for further inquiry.

7. In view of above, the applicant is admitted to bail subject to his furnishing solvent surety in the sum Rs.50,000/- 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