

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-50 of 2021

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

03.03.2021.

Mr. Nazeer Ahmed Bhatti, advocate along with applicant.
Ms. Sobia Bhatti, A.P.G for the State.
Mr. Hussain Bux Solangi, advocate for complainant.

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

2. On having been refused pre-arrest bail by the learned Additional Sessions Judge, Sehwan, 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 by the complainant party; the FIR has been lodged with delay of about four hours; no incident of rape has taken place; therefore, the applicant is entitled to grant of pre-arrest bail on point of further enquiry and malafide.

4. Learned A.P.G. for the State and learned counsel for the complainant have opposed to grant of pre arrest bail to the applicant

by contending that he has actively participated in commission of incident, which is affecting the society at large.

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 four hours that too after consultation with the elders, which appears to be significant. No incident of rape has taken place. The case has finally been challaned. The applicant has joined the trial and the case is at the verge of its final disposal. 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