

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD

Criminal Bail Application No.S-1249 of 2020

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

**08.03.2021.**

Mr. Irfan Ali Khaskheli, Advocate along with  
applicant.

Ms. Safa Hisbani, A.P.G for State.

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**Irshad Ali Shah I.-** It is alleged that the applicant with rest of the culprits outraged modesty of his wife Mst. Shahzadi by tearing her cloths and by cutting her hairs, for that the present case was registered

2. The applicant on having been refused pre-arrest bail by learned Additional Sessions Judge-IV, Dadu has sought for the same from this Court by way of instant 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 in order to satisfy her dispute with him over matrimonial affair; the FIR has been lodged with delay of about twenty days and the offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C. By

contending so, he sought for pre-arrest bail for the applicant on point of further enquiry and malafide.

4. Learned Assistant Prosecutor General for the State has opposed to grant of pre-arrest bail to the applicant by contending that the offence alleged against the applicant is affecting against the society at large.

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

6. All the penal sections applied in FIR are bailable excepting one u/s 337-V PPC, which entails punishment of Daman or two years imprisonment. It is not falling within prohibitory clause. The FIR of the incident has been lodged with delay of twenty days. The parties are already disputed over matrimonial affairs. The case has finally been challaned. The applicant has joined the trial. The applicant has not misused the concession of bail. In these circumstances, a case for grant of 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 with direction to learned Trial Court to dispose of very case against the applicant within one month.

9. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa.