

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

Criminal Bail Application No.S-42 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For hearing of main case.
<u>26.07.2021.</u>	

M/s. Nabi Bux Narejo, Mazhar Hussain Siyal and Sobdar Khan,
Advocates for the applicants.
Ms. Sobia Bhatti, A.P.G for the State.
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Irshad Ali Shah J:- It is alleged that the applicants with rest of the culprits abducted Mst. Farzana with intention to subject her to rape besides committing theft of gold ornaments and other belongings of complainant Sarfraz, for that the present case was registered.

2. The applicants on having been refused post arrest bail by learned Sessions Judge, Umerkot have 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 applicants that the applicants being innocent have been involved in this case falsely by the complainant party; the FIR has been lodged with delay of about thirteen month; Mst. Farzana has put her appearance before police voluntarily and co-accused Khadim Hussain has already been admitted to bail by this Court, therefore, the applicants are also entitled to their release on bail on point of further inquiry and consistency.

4. None has put appearance on behalf of the complainant. However, learned A.P.G. for the State has recorded no objection to release of the applicants on bail.

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 kept out of sight. Mst. Farzana has been produced before the police by the complainant, which appears to be surprising. Report of chemical examiner is in negative. Mst. Farzana during course of pre-trial proceedings before learned Family Judge at Kunri in suit for jactitation of her marriage has admitted co-accused Abrar to be her husband. Co-accused Khadim Hussain with utmost similar role has already been admitted to bail by this Court. In these circumstances, a case for release of the applicant on bail on point of further inquiry and consistency is made out.
7. In view of above, the applicants are admitted to bail subject to their furnishing solvent surety in the sum Rs.50,000/- each and PR bonds in the like amount, to the satisfaction of the learned trial Court.
8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish Steno*