

**IN THE HIGH COURT OF SINDH,
AT KARACHI.**

Cr. Bail Application No. 935 of 2021

Applicant : Through Muhammad Shahid,
Advocate

The State : Through Muntazar Mehdi, APG

Complainant : Through, Farhan Ali Shah, Advocate

Date of hearing &
Short Order : 16.08.2021

ORDER

YOUSUF ALI SAYEED, J. - Following the dismissal of his earlier bail application by the Additional Sessions Judge–X Karachi West, the Applicant, Muhammad Reehan Ali son of Abdul Razzaq, has invoked the jurisdiction of this Court seeking grant of bail in respect of FIR No.586 of 2021 registered under Section No.376, 511, 506-B, 337-A (i), 34 PPC at P.S Surjani Town, Karachi (the “**FIR**”) at the behest of one Rozina Sadiq (the “**Complainant**”).

2. The version narrated in the FIR by the Complainant is that she is an employee at a garments factory, and on 09.04.2021 was persuaded by the Applicant and one Zafar, both of whom are said to have been known to her, to accompany them to Village Yaro Khan Goth Surjani Town, Karachi at 10.00 pm under the false pretense of facilitating her in obtaining rented accommodation, but upon their reaching there, the Applicant took her into a deserted house and made an attempt at rape on gunpoint, while Zafar stood outside with the complainant’s 13 years old son. It was stated that upon the Complainant making noise, the Applicant beat her and rubbed her face in the ground, causing injury, and on her continued protest, he and Zafar threatened to kill her and then fled the scene.

3. Learned counsel for the Applicant submitted that the Applicant was innocent and had been falsely implicated for ulterior motive as part of an extortionate ploy. He contended that the version of events narrated in the FIR was tenuous and unbelievable, raising more questions than were answered. He submitted that the Complainant was not known to the Applicant with the assertion as to familiarity being unexplained in the FIR, and it beggared belief that the Complainant would have accompanied two men to a remote location at such a late hour for the stated purpose of securing a rented house, that too along with her adolescent son, the purpose of whose presence was also not explained. He further submitted that if in fact the Applicant and Zafar had taken the Complainant to a remote location under a preconceived plan of committing rape and had also been armed with pistol as alleged, then it was scarcely believable that the Complainant would so easily have been able to prompt them to abort their plan. He also pointed out that the alleged accomplice, had already been granted pre-arrest bail in the matter, without any application having been preferred for seeking cancelation thereof.
4. Learned counsel for the Complainant opposed the grant of bail, merely submitting that the veracity of the FIR was borne out by the injuries inflicted upon the Complainant. However, the learned APG did not seriously oppose the Application and on query posed as to the medical report underpinning the matter, stated that the injuries were minor and confined to the face of the Complainant, categorizable as Shajjah-e-Khafifah. He also stated that no incriminating articles had been recovered from the Applicant and neither he nor Zafar had any prior criminal record.
5. Under the given circumstances, the points raised by counsel for the Applicant coupled with the two days delay in filing of the FIR and superficial nature of injuries serves to bring the matter within the realm of further inquiry.

6. As such, the Application was allowed for those reasons vide a short order made in Court upon culmination of the hearing on 16.08.2021, with the Applicant being thereby admitted to bail in respect of FIR subject to furnishing solvent surety in the sum of Rs.3,00,000/- (Rupees Three Hundred Thousand Only) and P.R bond in the like amount to the satisfaction of the trial Court.

7. Needless to say, the observations made herein above are tentative and ought not to be construed so as to prejudice the case at trial.

Karachi.
Dated:

JUDGE