

IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No. 593 of 2022

Applicant : Hameed Khan s/o Motabar Khan, through
Mr. Muhammad Naeem Memon, advocate.

Respondent : The State, through Mr. Zahoor Ahmed Shah,
A.P.G.

Complainant : Bas Bibi w/o Taj Muhammad, through
Mr. Shams-ul-Hadi, advocate

Date of hearing : 10.05.2022
Date of order : 10.05.2022

ORDER

ZAFAR AHMED RAJPUT, J.- Through instant criminal bail application, applicant/accused Hameed Khan s/o Motabar Khan seeks post-arrest bail in Crime No. 174/2022, registered at P.S. Sohrab Goth, Karachi under section 376(ii), 354, 337-A(i), 337-F(i), 34, P.P.C. His earlier application for the same relief bearing No. 1073/2022 was dismissed by the learned 5th Additional Sessions Judge Malir, Karachi vide order, dated 24.03.2022.

2. Brief facts of the prosecution case as per F.I.R. lodged on 18-02-2022 by complainant Mst. Bas Bibi w/o Taj Muhammad are that her relative, namely, Iqra daughter of Taj Muhammad, aged about 18 years, used to reside with her temporarily and some days back she suspects that Iqra was pregnant, who on inquiry disclosed that, on 05-01-2022 at 12:00 noon, applicant Hameed Khan along with his two unknown identifiable companions forcibly committed *Zina* with her and threatened her not to disclose such fact to any one, else they will spoil her reputation; hence, she did not tell anyone out of fear. After hearing such fact, the complainant contacted with applicant in order to get information, whereupon on 17.02.2022, at 7:00 p.m. applicant called again Iqra and Ayesha, aged about 17/18 years, in his warehouse where he misbehaved with them and while stripping off the clothes of Ayesha maltreated her, due to which she sustained injury on her right hand finger and internal injuries on her person.

3. After hearing the learned counsel for the parties as well learned A.P.G. and perusing the material available on record, it appears that the alleged victim Mst. Iqra is real daughter of the complainant but she (complainant) concealed such fact by misrepresenting in F.I.R. that she is her relative and residing with her temporarily. Such false assertion of the complainant leads to inference that she may also implicate any person falsely in the case for alleged offence. The victim was allegedly subjected to rape on 05.01.2022 and the complainant claims that she suspected something in abdomen of the victim. She has not mentioned the date of her alleged suspicion; however, it is an admitted position that the F.I.R was lodged on 18.02.2022; after one month and thirteen days, which period is too short to notice baby bump, as normally a woman's body starts showing baby's growth in between 12 to 16 weeks. As per M.L.C. of the victim, her hymen was old torn and healed. The DNA test report of the applicant is also negative.

4. Keeping in view the circumstances discussed above, it is a case of further inquiry as contemplated under sub-section (2) of Section 497, Cr. P.C. Accordingly, I admit the applicant to bail in aforesaid crime/offence subject to furnishing by him solvent surety in the sum of Rs. 1,00,000/- (*Rupees One Lac only*) and PR bond in the like amount to the satisfaction of the trial Court.

5. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. In case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

JUDGE

Athar Zai