

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

Criminal Bail Application No.S-1144 of 2021

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

13.05.2022

Mr. Ghulam Asghar Mirbahar, Advocate for applicant.
Ms. Sana Memon, Assistant Prosecutor General, Sindh for the State.
Applicant is present on bail.

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IRSHAD ALI SHAH, J.- It is alleged that the applicant by outraging modesty of complainant Mst. Ghazala, who happened to be his daughter-in-law subjected her to rape, for that the present case was registered.

2. The applicant on having been refused pre-arrest bail by learned 3rd Additional Sessions Judge, Shaheed Benazirabad, has sought for the same from this Court by way of instant application under section 498 Cr.PC.

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 grudge with him; the FIR of the incident has been lodged with delay of more than one month and very case on investigation was recommended by the police to be canceled under 'C' Class, therefore, the applicant is entitled to grant of pre-arrest bail on point of further inquiry and malafide.

4. None has appeared to advance arguments on behalf of the complainant. However, learned Assistant Prosecutor General, Sindh for the State has opposed to grant of pre-arrest bail to the applicant by contending that the offence which he has committed is affecting the society at large.

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

6. The FIR of the incident has been lodged by the complainant with delay of more than one month that too after having a recourse u/s: 22-A&B Cr.P.C; the DNA report is not implicating the applicant in commission of incident. The applicant has also alleged malafide against the complainant to involve him in this case falsely to satisfy her grudge with him. The case has finally been challaned. The applicant has joined the trial and there is no allegation of misusing concession of pre-arrest bail on his part. In these circumstances, the applicant is found entitled to grant of pre-arrest bail on point of further inquiry and malafide.

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 criminal bail application is disposed of accordingly.

J U D G E

Muhammad Danish*