

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 758 of 2022

Applicant : Zeeshan s/o Abdul Ghaffar, through  
Mr. Ahmed Niazi, advocate

Respondent : The State, through  
Mr. Syed Meeral Shah, Addl. P.G.

Complainant : Mst. Rukhsana w/o Muhammad Hanif,  
through Ms. Ayesha Rizvi, advocate

Date of hearing : 19.05.2022

Date of order : 19.05.2022

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**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Through instant criminal bail application, applicant/accused Zeeshan s/o Abdul Ghaffar seeks post-arrest bail in Crime No. 201/2020, registered at P.S. New Karachi, under sections 376, 420, 506, P.P.C. His first bail application in Sessions Case No. 1167/2020 was dismissed by the trial Court i.e. II<sup>nd</sup> Additional Sessions Judge, Karachi-Central vide order, dated 22.11.2021; second bail application bearing No. 04 of 2022 was dismissed by this Court, as not pressed, vide order, dated 07.03.2022 and third bail application was dismissed in aforesaid Session Case by the said trial Court vide order, dated 01.04.2022.

2. It is alleged that the applicant and co-accused Ismail committed rape on Miss. Ramsha, a 17 years old daughter of complainant Mst. Rukhsana; they made her video and blackmailed her, extorted money, gold ornament and mobile phone from her and made her sexually explicit video viral.

3. The learned counsel for the applicant and complainant while placing on record affidavits of complainant and victim state that since the marriage of the victim is going to be solemnized soon and the matter has been settled between the parties in the Jirga held between the elders of the parties, they have no objection only to the extent of grant of bail to the applicant. The learned counsel

for the applicant in this regard has relied on the cases of *Fida Ahmed v. The State* (2020 YLR 153), *Zafar Hussain v. The State and another* (2020 YLR Note 308) and *Muhammad Shabbir v. The State and others* (2020 YLR Note 184).

4. The factum of filing of affidavits by the complainant and the victim in favour of applicant itself speaks about contumacious conduct of the applicant, who has been implicated in this case as one of the accused of committing alleged offence/acts, that he is making every effort to save his skin from the case.

5. The alleged offence under section 376, P.P.C. is non-compoundable and punishable with death or imprisonment not less than ten years or more than twenty-five years or imprisonment for the remainder period of natural life; as such, the same is covered by the prohibitory clause of section 497 (1), Cr.P.C. Material available with prosecution makes out a prima facie case against the applicant. The case-laws cited by the learned counsel for the applicant are distinguishable so far the facts of the instant case, wherein the applicant has apparently gone to grotesque lengths to humiliate the minor victim, are concerned.

6. Under the circumstances, the accused is not entitled to the concession of bail; therefore, this application is dismissed, accordingly.

JUDGE

Athar Zai