

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

Cr. Bail Application No.S-949 of 2021

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

20.12.2021.

Mr.Agha Ghulam Abbas, Advocate for applicants.

Ms. Sana Memon, Assistant P.G a/w SIP Muhammad Ismail Mashori SHO PS Tando Muhammad Khan and ASI Bashir Ahmed of P.S Tando Muhammad Khan City.

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MUHAMMAD IQBAL KALHORO, J.- On 29.05.2021 SIP Muhammad Ismail Mashori lodged FIR alleging therein that applicants are adulterers and committed zina. Resultantly, applicant Mst. Seema gave delivery to a dead child on 26.05.2021 at District Health Hospital, Tando Muhammad Khan, which information was communicated to police by hospital management after applicant No.1 in order to conceal her sin left dead baby in the hospital. FIR was accordingly lodged and applicants were arrested on 30.05.2021.

2. I have heard learned Counsel for the applicants and learned Assistant Prosecutor General who has not opposed bail to the applicants stating that learned Counsel has been able to produce Nikahnama between the applicants, which is available at Page-71 of the file.

3. After hearing the parties, I am of the view that case against the applicants requires further inquiry as there is a Nikahnama between the applicants produced by the learned Defence Counsel confirming their marriage. More so, there is prima facie no investigation and no evidence therefore except hypothesis that due to applicant No.2 committing zina with applicant No.1 the baby was born. In the circumstances, application is allowed and the applicants are granted bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand) each and P.R Bonds in the like amount to be executed before the learned trial Court.

4. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE

