

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No.1849 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

22-03-2022

Mr. Sikandar Adil, Advocate a/w applicant.
Mr. Talib Ali Memon, APG.

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Omar Sial, J: Mst. Wilayat Bibi has sought pre-arrest bail in crime number 401 of 2021 registered under sections 302, 201 and 34 P.P.C. at the Quaidabad police station. Earlier, her application seeking bail was dismissed on 10-09-2021 by the learned 1st. Additional Sessions Judge, Karachi Malir.

2. The background of the case is that the aforementioned F.I.R. was registered on 28-06-2021 on the complaint of SIP Rana Shah. He recorded that 5/6 days ago an old dead body of a girl whose identity was unknown but who appeared to be 20/30 years of age was found and sent to the hospital. As the dead body was un-identified it was sent to Edhi Mortuary. Allegedly, police investigation revealed that some unknown persons had killed the girl and thrown her dead body at Kachra Kundi.

3. I have heard the applicant in person as well as the learned Assistant Prosecutor General, who frankly concedes that apart from section 164 Cr.P.C. statements of co-accused Bakhtiar and Abdul Samad in which they have implicated the applicant, there is no piece of evidence against the applicant to connect her with the alleged crime. Prima facie it appears that further inquiry is required to establish the nexus of the applicant with the offence for which she is charged. In a case such as this malafide is very difficult to show. No purpose would be served to send the applicant to jail, specially when upon a tentative assessment it is a case of further inquiry only for her to be granted bail after arrest.

4. In view of the foregoing, the interim pre-arrest bail granted earlier to the applicant vide order dated 01-10-2021 is confirmed on the same terms and conditions. She is however directed to appear at each and every date of the trial.

JUDGE

Saleem