

**IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR**

Cr. Bail Appln. No. S – 04 of 2023

Date

Order with Signature of Hon'ble Judge

For hearing of bail application

20.02.2023

Syed Mujahid Ali Shah, Advocate along with applicants
Mr. Liaquat Ali Shar, Advocate for the complainant
Mr. Aftab Ahmed Shar, Additional Prosecutor General

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ORDER
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ZAFAR AHMED RAJPUT, J- Through instant Criminal Bail Application, the applicants/accused, namely, Saeed S/o Mehmood Khan and Jameel S/o Hamzo, seek pre-arrest bail in Crime No.149 of 2022 registered at Police Station, Khairpur, under Sections 365-B PPC. Their earlier application for the same relief bearing Pre-arrest Bail Application No.1378/2022 was heard and dismissed by learned Additional Sessions Judge-IV, Khairpur, vide order dated 03.08.2022. The applicants were admitted to interim pre-arrest bail by this Court vide order dated 03.01.2023 and now the same is fixed for confirmation or otherwise.

2. It is alleged that on 27.05.2022, the applicants abducted sister of the complainant, namely Kalsoom aged about 22/23 years from the house of complainant.

3. Heard learned counsel for the applicants/accused as well as learned counsel for the complainant and Additional PG for the State, and perused the material available on record.

4. Learned counsel for the applicants/accused while placing copy of the statement of the alleged abductee Mst. Kalsoom and order dated 20.02.2023 passed by Incharge Additional Sessions Judge-V, Sukkur, states that the alleged

abductee has been produced by the Incharge Police Post Januji of Police Station, Kandhra, District Sukkur before the Incharge Additional Sessions Judge-V, Sukkur, where she has recorded her statement, stating therein that she has not been abducted by any one and being a Muslim *sui juris* lady, she has contracted marriage by exercising her free will with Wazir Ali and upon her such statement she has been sent to Darul Aman, Sukkur under Karwai No.67/2023 U/s 552 Cr.P.C of Police Post Januji of Police Station, Kandhra, District Sukkur with direction to the Incharge Darul Aman, Sukkur to keep her in custody till further orders and recording of her statement U/s 164 Cr.P.C by the concerned Judicial Magistrate, if needed.

Since the alleged abductee has herself recorded her statement before Incharge Additional Sessions Judge-V, Sukkur admitting the fact that she has contracted marriage with another person, the involvement of the present applicants/accused in alleged offence requires further enquiry as envisaged under sub-section (2) of Section 497, Cr.P.C. Accordingly, the interim pre-arrest bail granted to the applicants/accused vide order dated 03.01.2023 is confirmed on same terms and conditions.

The bail application stands disposed of in the above terms.

Judge

ARBROHI