

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-698 of 2023

*(Imdad Hussain Lanjwani Vs. The State)*

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1. For Orders on office objection.
2. For hearing of bail application.

**ORDER.**

28-11-2023.

Mr. Riaz Hussain Khaskheli, advocate for the applicant.  
Complainant Mst. Shahameeran in person.  
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

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**Irshad Ali Shah, J;-** It is alleged that the applicant with rest of the culprits by making trespass into the house of complainant Mst. Shahmeeran, attempted to take off shalwar of her daughter Mst. Tania with intention to commit rape with her, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned IVth Additional Sessions Judge/Gender Based Violence Court, Khairpur, has sought for the same from this Court by way of instant Bail Application u/s 497 Cr.P.C.

3. Heard arguments and perused the record.

4. The FIR of the incident has been lodged with delay of about three days; such delay having not been explained plausibly could not be over looked. The case has finally be challaned and there is no likelihood of absconsion or tempering with the evidence on the part of the applicant. Moreso, complainant Mst. Shahmeeran and PW Mst. Tania by filing their respective affidavits have recorded no

objection to release of the applicant on bail by declaring him to be innocent impliedly. In these circumstances the case for the release of applicant on bail on point of further enquiry is made out.

5. In case of *Muhammad Najeeb vs. State (2009 SCMR 448)*, it has been held by the Apex Court that;

*“Complainant initially had nominated the accused in the FIR but later-on through an affidavit he has expressed his satisfaction with regard to innocence of the accused, the case of the accused was of further enquiry”.*

6. In view of above, the applicant is admitted to bail subject to his furnishing solvent surety in sum of Rs.50,000/- (Fifty thousand) each and P.R bond in the like amount to the satisfaction of learned trial Court.

7. The instant bail application is disposed of accordingly.

Judge