

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 2843 of 2023
(Muhammad Noman v. The State)

Date	Order with signature of Judge
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For hearing of bail application

22.05.2024

Mr. Shahmeel Ibne Mushtaq, advocate for the applicant
Ms. Asiya Munir, advocate for the complainant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged that the applicant attempted to commit rape with Mst. Huma wife of complainant Muhammad Kamran, for which the present case was registered.

The applicant having been refused bail by learned Xth-Additional Sessions Judge, Karachi, West, has sought the same from this Court by way of instant bail application under Section 497 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant is innocent and has been involved in this case falsely by the complainant and has been in custody for ten months and his trial is yet to be completed, therefore, he is entitled to be released on bail on point of further inquiry, which is opposed by learned Assistant Prosecutor General for the state and learned counsel for the complainant by contending that the case is at the verge of final disposal.

Heard arguments and perused the record.

The complainant is not an eyewitness to the incident. As per^[2] the narration made by the victim in her 164 Cr.PC statement, the applicant attempted to commit rape with her by holding her hand; such allegation if believed to be true then it constitutes an act of outraging her modesty. The case has finally been challaned and there is no likelihood of absconsion of the applicant who is said to be in custody for ten months. In these circumstances, a case for the release of the applicant on bail on point of further inquiry is made out.

Under the given circumstances, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R bond in the like amount to the satisfaction of the learned trial Court.

Instant bail application is disposed of accordingly.

J U D G E