

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Bail Application No. S -920 of 2023
(*Ali Raza and another Vs. The State*)

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

12-02-2024.

Mr. Ghulam Rasool Chandio advocate for the applicants.
Mr. Ghulam Raza Abro, advocate for the complainant.
Mr. Aftab Ahmed Shar, Additional P.G for the State.

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Irshad Ali Shah, J;- It is alleged that the applicants with rest of the culprits in furtherance of their common intention committed rape with Mst. Irshad Khatoon, for that the present case was registered.

The applicant on having been refused pre-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 498-A, Cr.P.C.

It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant only to grab money from them; the FIR of the incident has been lodged with delay of one month and no effective role in commission of incident is attributed to the applicants; therefore they are entitled to be admitted to pre-arrest bail as they apprehending their unjustified arrest at the hands of the police.

Learned Additional P.G for the State and learned counsel for the complainant have opposed to grant of pre-arrest bail to the applicants by contending that they have facilitated the commission of incident.

Heard arguments and perused the record.

The FIR of the incident has been lodged with delay of about one month, such delay having not been explained plausibly could not be over looked as it is reflecting consultation and deliberation. The allegation of rape of with the victim is leveled against co-accused Ghulam Murtaza @ Chandio. The case has finally been challaned. The applicants have joined the trial and there is no allegation of misusing the concession of interim pre-arrest bail on their part. In these circumstances a case for grant of pre-arrest bail to the applicants on point of further inquiry and malafide is made out.

In view of above, the interim pre-arrest bail already granted to the applicant is confirmed on same terms and conditions.

Instant Bail Application is disposed of accordingly.

Judge