

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

Crl. Bail Application No. S -713 of 2023  
( *Fayaz Ahmed alias Fayaz and others Vs. The State* )

---

**Hearing of bail application**

**26-02-2024.**

Mr. Ajeebullah Junejo, Advocate for the Applicants  
Mr. Shabbir Ali Bozdar, Advocate for Complainant  
Mr. Aftab Ahmed Shar, Additional P.G for the State.

>>>>...<<<<<

**Irshad Ali Shah, J;-** It is alleged that the applicants with rest of the culprits abducted Mst. Aisha Bibi wife of complainant Ali Raza with intention to subject her to rape, for that the present case was registered.

2. The applicants on having been refused pre-arrest bail by learned IInd Additional Sessions Judge, Mirpur Mathelo have sought for the same from this Court by way of instant Crl. Bail Application under Section 498 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant in order to satisfy its matrimonial dispute with them and the victim has not been subjected to rape, therefore, the applicants are entitled to be admitted to pre-arrest bail on point of further inquiry and mala fide, which is opposed by learned Addl. PG for the State and learned counsel for the complainant by

contending that the applicants have subjected the victim to maltreatment.

3. Heard arguments and perused the record.

4. The alleged victim has been recovered by the police when she was found standing on road which prima facie suggests that she was not in custody of the applicants; injuries sustained by her are bailable in nature; none of the applicants has subjected her to rape. 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 mala fide obviously is made out.

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

6. The instant bail application is disposed of accordingly.

Judge