

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.**

Criminal Bail Application No.S-643 of 2024

Applicant : Zahid Hussain through Mr. Hassnain Ali Advocate.  
Respondent : The State through Mr. Irfan Ali Talpur A.P.G. Sindh along with SIP Din Muhammad PS A-Section Latifabad Hyderabad.  
Complainant : None present.  
Date of hearing : 02.12.2024.  
Date of Order : 02.12.2024.

**ORDER.**

**Amjad Ali Sahito, J:-** Through instant bail application, the applicant/accused namely, Zahid Hussain seeks pre-arrest bail in Crime No.175/2024, registered at Police Station A-Section Latifabad Hyderabad for the offence under sections 376, 109, 34 PPC. Earlier the bail plea of the applicant/accused was declined by the learned 2<sup>nd</sup> Additional Sessions Judge, Hyderabad vide order dated 10.06.2024.

2. The details of the FIR are included in the bail application and its attached copy, so there is no need to restate them here.

3. Learned counsel for the applicant contends that the applicant/accused has falsely been implicated in this case otherwise, he is innocent. He further contends that the complainant is a Truck Driver and in order to grab his property he has implicated his real father, otherwise no incident has taken place. He further contends that at the time of incident, the victim was not available at the house of complainant but the applicant has been falsely implicated. He, therefore, prays that interim pre-arrest bail already granted to the applicant may be confirmed.

4. On the other hand, learned A.P.G. Sindh opposes the confirmation of bail to the applicant.

5. Heard and perused the record.

6. The record reveals that the applicant is specifically named in the FIR. It also prescribes that the victim, Mst. Rizwana, disclosed to the complainant that after his departure, the applicant, who is her father-in-law, used to give her intoxicants and commit zina with her. Upon this disclosure, the complainant, in order to verify such allegation, returned home unexpectedly and witnessed the applicant committing zina with his wife. The

record also reflects that the victim has recorded her statement under Section 164 Cr.P.C. before the Magistrate. *Prima facie*, the seriousness of the offense and its nature suggest an immoral mindset of the applicant, which cannot be overlooked. No *mala fide* is pointed out by the counsel for the applicant. It is also important to note that at the bail stage, only a tentative assessment is made. At present, there exists sufficient evidence that could connect the applicant to the commission of the alleged offense.

7. In view of the above facts and circumstances, the learned counsel for the applicant has failed to make out a case for further inquiry as envisaged under sub-section 2 of Section 497 Cr.P.C. Consequently, the instant criminal bail application is hereby **dismissed**. The interim order passed by this Court on 14.06.2024, granting pre-arrest bail to the applicant, is hereby recalled.

8. It is needless to mention that the observations made herein are tentative in nature and shall not influence the learned trial Court while deciding the case of the applicant on its merits.

JUDGE

\*Abdullah Channa/PS\*