

ORDER SHEET
**THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-371 of 2022.

DATE	ORDER WITH SIGNATURE OF JUDGE
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	For orders on office objections. For hearing of main case.
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15.08.2022.

Mr. Talib Khan Bhatti advocate for the applicant.
Mr. Fayaz Hussain Saabki, Assistant Prosecutor General.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Complainant is real uncle of victim Shahida aged about 16 years and has reported through subject FIR commission of rape on her by applicant who is brother of her step-father. She disclosed such information to her step father and his second wife only when she got pregnant and then was forced by them to undergo abortion.

Learned counsel for the applicant submits that FIR is delayed for 6-7 months; is outcome of enmity between the parties; the story is unbelievable; DNA report has come in negative as such applicant is entitled to pre-arrest bail.

Learned APG has however opposed bail stating that victim has supported version stated in the FIR in her 161 Cr.P.C. statement. Her medical examination has confirmed abortion and her being not virgin although she is unmarried.

Applicant is specifically nominated in FIR and in 161 Cr.P.C. statement of victim. Delay in FIR in such matters is immaterial as for fear of honor people do not rush to report the incident, and thus cannot be appreciated at this stage in favor of applicant. A copy of DNA report submitted by learned defence counsel shows that only clothes of the victim were sent with a blood sample of the accused and they were not found to have traces of male DNA. This report is distinguishable to what has been alleged against the applicant and does not help him at this stage any further than what he has already argued. Applicant appears to be prima facie

connected with the offence, heinous in nature, and falls within prohibitory clause carrying life imprisonment. There is no element of malafide on the part of complainant to implicate the applicant in this case. Nor is there a reason for an unmarried girl to risk her honor and reputation by pointing a finger to him. Accordingly, the bail application is dismissed and ad-interim pre-arrest bail granted to the applicant vide order 27.05.2022 is hereby recalled.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

Irfan Ali