

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Criminal Bail Application No.S-416 of 2020.

DATE	ORDER WITH SIGNATURE OF JUDGE
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29-05-2020

Mr. Farooque Ali Jakhrani, advocate alongwith applicant Maqboolan Begum.

Mr. Nazar Muhammad Memon, Additional Prosecutor General.
Complainant SIP Iftikhar Bajwa SHO P.S. Mehmoodabad, Mirpurkhas.

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By means of this application, applicants Muhammad Akram, Awais Ali, Jawaaid, Nadia and Maqboolan Begum are seeking pre-arrest bail in Crime No.23/2020, under sections 364-A, 371-B, 372, 376(i), 363, 34 PPC, 3/4 Sindh Child Marriage Restrain Act, 2013, registered at P.S. Mehmoodabad, District Mirpurkhas.

2. There are five applicants out of whom only applicant Maqboolan Begum is present whereas remaining four applicants are called absent. Mr. Farooque Ali Jakhrani advocate has filed power on behalf of all the applicants and has argued that applicants are innocent and have falsely been implicated in this case; that there is delay in registration of FIR; that there are variations in statements of alleged victim recorded under sections 161 and 164 Cr.P.C. and FIR; that alleged victim is consenting party in the marriage and is wife of applicant No.1; that this case is outcome of malafide on the part of police and therefore applicants are entitled to concession of pre-arrest bail. He in support of his arguments has relied upon case law reported as 2019 MLD 786, 2019 YLR 511, 2020 P.Cr.L.J. 245, 2020 SCMR 761, 2017 SCMR 1572, 2017 P.Cr.L.J. Note 168 and 2018 P.Cr.L.J. Note 175.

3. On the other hand learned Additional Prosecutor General and complainant who is SHO P.S. Mehmoodabad, have opposed grant of bail to the applicants and submitted that prima facie there is sufficient evidence available against them.

4. I have considered submissions of parties and perused material available on record including the case law relied at bar. The story of this case started when Mst. Fatima age about 12 / 13 years appeared at P.S. Mehmoodabad on 15.04.2020 and sought protection. She narrated that she was resident of Naya Abad, Layari, Baghdadi P.S. Karachi and was brought at Mirpurkhas by one Ali Khaskheli under

pretence and thereafter was sold in marriage to applicant Muhammad Akram who under force introduced her to prostitution. On the same day she was produced before the Court of learned Civil Judge and Judicial Magistrate Mirpurkhas who recorded her statement under section 164 Cr.P.C. wherein she has disclosed the same facts. She in further investigation has given details of her abduction and sale to people in marriage and prostitution. All the applicants are nominated in the FIR so also in the statements of victim. The investigation prima facie confirms that the alleged victim was duped initially by accused Ali Khaskheli who brought her in Mirpurkhas and handedover to applicant Maqboolan Begum who gave her in forceful marriage to applicant Arkam who compelled her for prostitution. There is prima facie sufficient evidence against the applicants to connect them with the alleged offence. They in connivance with each other have married a child off and indulged in her trafficking for prostitution.

5. It is needless to state that relief of pre-arrest bail is extra ordinary in nature and can be granted to accused to protect him from humiliation of arrest in a case based upon trumped up charges against him. However, the material placed on record in present case suggests otherwise. The case law relied upon by learned defence counsel is quite distinguishable from the facts and circumstances of present case and is therefore not attracted.

6. In view of foregoing discussion, I do not find the applicants to be entitled for the concession of pre-arrest bail. Accordingly, this bail application is dismissed and ad-interim pre-arrest bail granted to the applicants vide order dated 11.05.2020 is hereby recalled.

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

JUDGE