

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

Criminal Bail Application No.S-491 of 2023

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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	For orders on office objections. For hearing of main case.
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05.06.2023.

Mr. Ali Sher Janwari advocate for the applicants.  
Mr. Nazar Muhammad Memon, Additional Prosecutor General.  
Applicants are present on ad-interim pre-arrest bail.  
Complainant is present along with her husband.

O R D E R

MUHAMMAD IQBAL KALHORO, J:- It is alleged by complainant that she was sleeping in her house situated in village Mir Muhammad Lashari, Taluka Tando Ghulam Hyder, on 23.04.2023 and her husband was sleeping outside, when at about 02:00 a.m. some one woke her up, she identified him as Wajid Ali who was standing over her and present applicants armed with lathies who asked her to remain silent. Then accused Wajid Ali tried to commit Zina with her but she raised cries, upon which her kids woke up, her husband was also attracted who also came running. Seeing them, all the accused made their escape good.

Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. They are relatives of the complainant and are in dispute with him over some plot; earlier also complainant had lodged an FIR against relatives of the applicants as such false implication of the applicants is very much possible. On the other hand, learned Additional PG and complainant present have opposed bail.

I have considered submissions of the parties and perused material available on record. There is delay of five days in registration of FIR. Allegation of only an attempt to commit rape upon complainant has been leveled in FIR that too against co-accused Wajid Ali who after registration of FIR has been arrested and is in jail. There is history of litigation between the parties which has been admitted by the complainant and her husband present in the Court. Applicants are only stated to be present allegedly armed with Lathies

but during investigation nothing incriminating was recovered from them. Therefore, case against the applicants is one of further inquiry and since the complainant and her husband have admitted enmity between them, malafide on their part to arraign applicants in this case cannot be ruled out. In the circumstances, the applicants have been able to make out a case for bail.

Accordingly, the bail application is allowed and ad-interim pre-arrest bail granted to the applicants vide order dated 17.05.2023 is hereby confirmed on the same terms and conditions.

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

JUDGE

Irfan Ali