

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-264 of 2025.

Applicant: Kessia w/o Harichand, Champa w/o Heero, Dhani w/o Ramoo and
Soomri w/o Chano.
Through Mr. Ghulamullah Chang, Advocate.

Respondent: The State
Through Ms. Safa Hisbani, A.P.G.

Date of hearing: 27.03.2025
Date of order: 27.03.2025

ORDER

Syed Fiaz ul Hassan Shah, J: Through instant bail application, above named applicants seek their admission to post arrest bail in Crime No.17 of 2025 registered under sections 324, 337-F(i), 506/2, 337-A(i), 147, 148, 149, 337-H(ii), 504 PPC, with P.S Taluka Tando Muhammad Khan. After the arrest applicants preferred their bail plea before the Court of Additional Sessions Judge-I, Tando Muhammad Khan vide Criminal Bail Application No.138 of 2025 (Re-Keesia & others Vs. The State) and same was dismissed vide order dated 15.03.2025; hence, instant bail application has been maintained.

2. Since the facts of prosecution case are already mentioned in F.I.R as well as memo of instant bail application, therefore, there is no need to reproduce the same.

3. It is inter-alia contended by the counsel for applicant that applicants/accused are innocent and have falsely been involved in this case by the complainant; that the applicants are household ladies and entitled for the benefit under Section 497(1) Cr.P.C and that no role has been assigned to them and the ladies have been implicated due to enmity; that there is delay in lodgment of FIR without plausible explanation hence, due deliberation and consultation cannot be ruled out; that challan has been submitted before the Trial Court, the applicants are no more required for investigation and there is no apprehension that the applicants being ladies attempting to temper or destroy the prosecution's evidence.

4. On the other hand, learned APG opposed the bail application and submits that final medical certificate has not yet been received and for this reason final challan could not be placed.

5. I have heard the learned counsel for parties and perused the record.

6. Admittedly, section 497 Cr.P.C envisaged the treatment with women and juvenile offenders in the language used by the legislatures clearly states that the bail ought to be granted if, no matter of harm and seriousness come forward. Further, there are general allegations against the applicants/accused hence, offence with which they charged does not fall within the prohibitory clause of section 497 Cr.P.C and in such like cases the grant of bail is a rule and refusal is an exception. It is not case of the prosecution that applicants if released on bail she will temper or destroy the evidence or any apprehension to threat the prosecutions' witnesses. In view of the above tentative assessment, the learned counsel for the applicants has made out a case for grant of bail, therefore, the bail application is **allowed**. Consequently, the applicants are granted concession of post arrest bail subject to furnishing their solvent surety in sum of Rs.30,000/-each and P.R bond in the like amount, to the satisfaction of Trial Court and these are the reasons of short order dated 27.03.2025.

7. Needless to say that any finding given or the observations recorded herein-above, it is only for the purpose of deciding this bail application, which will not affect the merits of case before the Trial Court in any manner and the Trial Court will try the case without being influenced from any observation.

J U D G E

Ahmed/Pa,