

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.1776 of 2024
(Muhammad Haneef vs. The State)

29.10.2024

Mr. Aftab Hussain, advocate a/w applicant
Mr. Juman Panhwar, advocate for complainant
Ms. Seema Zaidi, Addl: PG Sindh

ORDER

MUHAMMAD IQBAL KALHORO J: Applicant is a teacher by profession and is alleged to have committed sexual assault in his house on a victim, namely, Saba aged about 10/11 years on 21.06.2024, who used to go there for getting tuition from him. FIR of the incident was registered on 27.06.2024.

2. Learned defence counsel has contended that there is a delay of 06 days in registration of FIR and the applicant has been implicated in this case out of enmity as the complainant wanted to get her children admitted in the school of applicant without fee but he had refused.

3. His arguments have been refuted by learned counsel for the complainant and learned Addl: PG Sindh and both have submitted that medical certificate of the victim supports the allegations.

4. I have considered submissions of parties and perused the material available on record. Delay in FIR per se is no ground for granting extra-ordinary concession of pre-arrest bail to applicant in a case of present nature in which a girl of 10/11 years age has been *prima facie* sexually assaulted by him. During investigation, her statements u/s 161 Cr.PC and 164 Cr.PC have been recorded in which she has implicated the applicant in the present offence. She was medically examined by Women Medical Officer and it is reported that on her private parts redness and swelling were found. Although due to her young age, her hymen was found intact but marks of injuries were found visible there.

5. The plea taken in defence that complainant wanted to get her children admitted in the school of applicant free of cost was not taken by the applicant in the investigation, nor in the bail application. In presence of *prima facie* material, supported by medical evidence and statements of victim, no case for extra-ordinary concession of pre-arrest bail, meant to protect the innocent person from the arrest and humiliation in a criminal case in which he has been falsely implicated, is made out. Accordingly, this application is dismissed. The ad-interim pre-arrest bail granted to the applicant on 07.08.2024 is hereby recalled.

6. Needless to mention that the observations made herein above are tentative in nature and would not prejudice case of either party at trial. The bail application is disposed of in the above terms.

JUDGE

Rafiq/P.A.