

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.936 of 2025

Zeeshan @ Pappan son of Yousuf Masih.....Applicant/Accused

Versus

The State.....Respondent

Date of Hearing : 21.10.2025

Date of Order : 21.10.2025

For the Applicant : Mr. Amir Jameel Virk, Advocate.

For the complainant : Mr. Aziz Lakhani, Advocate.

For the State : Ms. Rubina Qadir, D.P.G.

ORDER

TASNEEM SULTANA, J: Through this bail application, the applicant Zeeshan @ Pappan son of Yousuf Masih seeks pre-arrest bail in Crime No.389/2024 registered at Police Station Mahmoodabad under Sections 354-A/504/427 and 506 PPC. Earlier his bail plea was declined by the learned IIIrd Additional Sessions Judge, Karachi South vide order dated 17.03.2025; he has now approached this Court for pre-arrest bail and interim pre-arrest bail was granted to him vide order dated 11.04.2025. The matter is now fixed for confirmation or otherwise.

2. The brief facts, as gathered from the record, are that the complainant PC Romail Raja, a head constable posted at the same police station, alleged that on 21-12-2024 while he was away on duty, his daughter informed him by phone that their neighbor Zeeshan @ Pappan S/o Yousuf was damaging their car, using abusive language and threatening. When the wife of complainant intervened, a scuffle allegedly took place. On reaching home at about 2240 hours, he found people gathered and the glass of his car broken; the accused had already fled. Subsequently, Section 354-A PPC was inserted in the challan, alleging assault upon the complainant's wife. Earlier, his pre-arrest bail application had been dismissed by the learned III-Additional Sessions Judge Karachi (South) vide order dated 17.03.2025.

3. Learned counsel for the applicant contended that the allegations are false and fabricated; that I.O added Section-354-A PPC in charge sheet with mala fide intention to harass the applicant, who has long-standing enmity with the complainant; that the essential ingredients of Section 354-A PPC are missing in the body of FIR; that no specific overt act is attributed which may constitute assault or criminal force with intent to outrage a woman's modesty; that in a previous case (FIR No. 214/2021 of P.S. Mahmoodabad under Sections 337-A(i)/354/337-F(iii) PPC), filed by the same family, the applicant and his relatives were acquitted after trial, which shows a pattern of malicious implication; Lastly he prayed for confirmation of pre arrest bail.

4. Conversely, learned DDPP assisted by counsel for the complainant opposed the application on the ground that the offence under Section 354-A PPC carries punishment of death or life imprisonment, hence requires strict scrutiny; that local residents have made complaints against the applicant alleging misbehavior toward women; that sufficient material is available on record to connect the applicant in the offence of present crime.

5. Heard. Record perused.

6. Prima facie, the allegations narrated in the FIR relate to a neighborhood quarrel arising out of damage to a car and verbal altercation. There is no allegation in the FIR that the applicant assaulted or used criminal force upon any woman with intent to outrage her modesty or that any act of stripping occurred. Section 354-A PPC reads as follows:-

"Assault or use of criminal force to woman and stripping her off her clothes. Whoever assaults or uses criminal force to any woman and stripes her off her clothes and, in that condition exposes her to the public view, shall be punished with death or with imprisonment for life, and shall also be liable to fine."

7. The essential constituents of this section are: (i) assault or use of criminal force (ii) stripping of clothes, and (iii) exposure to public view. Even on tentative assessment, none of these ingredients are reflected from the FIR or the material so far collected. Reliance in this regard is placed on the case of *Qadir Shah and others v. The State*

reported in SCMR 2009 913. The subsequent addition of Section 354-A PPC call for further inquiry at best, the incident constitutes a quarrel accompanied by verbal abuse and damage to property, attracting the lesser sections 504/427/506 PPC which do not fall within the prohibitory clause of Section 497 Cr.P.C.

8. It further appears that previous enmity between the parties is on record, and the applicant had already been acquitted in an earlier similar case lodged by the complainant's relatives, which lends weight to the plea of false implication.

9. For these reasons and without deeper appreciation of the evidence, it appears that the ingredients of Section 354-A PPC are not prima facie attracted at this stage. Accordingly, the interim pre-arrest bail granted to the applicant Zeeshan @ Pappan S/o Yousuf Masih vide order dated 11.04.2025 is hereby confirmed on the same terms and conditions. However, it is clarified that the observations made hereinabove are tentative in nature confined to the disposal of this bail application and shall not influence the trial court at the time of final adjudication on merits.

JUDGE

Ayaz Gul