

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-337 of 2025

Applicant: Ramzan Ali @ Ramzan S/o Esso,
Through Mr. Qaimuddin Mahar, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Complainant: Muhammad Raheem S/o Muhammad Yousuf,
Through Haji Qalandar Bux Laghari, Advocate.

Date of Hearing: 05.12.2025

Date of Order: 05.12.2025

ORDER

Shamsuddin Abbasi, J: Through this Bail Application, the applicant/accused Ramzan Ali @ Ramzan seeks post-arrest bail in Crime No.40/2025 for offence under sections 364-A, 376, 457 and 377-B P.P.C of PS Women Umerkot, after dismissal of his bail plea by the learned Additional Sessions Judge-I, Umerkot, vide order dated 13.09.2025.

2. It is alleged in the F.I.R that applicant on the pointation of pistol, abducted the alleged victim and committed rape with her, hence this F.I.R.

3. Learned counsel for the applicant submits that the applicant is innocent and falsely implicated in this case; that all the PWs are interested witnesses and inimical with the applicant; that there is delay of two days in lodgment of the F.I.R without any plausible explanation; that positive DNA report carries no weight; that no any incriminating material has been recovered from his possession during investigation, hence his case calls for further enquiry in terms of Section 497 Cr.P.C. Lastly, he prayed for grant of post arrest bail. In support of his contentions, he relied on case laws reported as **PLJ 2023 SC (Cr.C) 275 [Appellate Jurisdiction], 2009 MLD 19 [Lahore] and 2021 SCMR 2011 [Supreme Court of Pakistan]**.

4. Haji Qalandar Bux Laghari, advocate filed Vakalatnama on behalf of the complainant which is taken on record. Learned D.P.G assisted by counsel for the complainant opposed for grant of bail on the ground that delay has been well explained; that ocular version is corroborated with the medical evidence and DNA report is positive which connects the applicant with the commission of offence which is heinous one and against the society; that PWs in their 161 Cr.P.C statements have supported the case

of the prosecution and during investigation, 164 Cr.P.C statement of victim was recorded which too connect the applicant with the commission of offence. Learned D.P.G relied on the case law reported as **2023 P.Cr.L.J Note 88 [Sindh (Sukkur Bench)]**.

5. Heard learned counsel for the applicant, learned counsel for the complainant, learned D.P.G for the State and perused the material available on record.

6. Admittedly, the applicant is nominated in the F.I.R with specific role for committing rape with the alleged victim namely Noor-un-Nisa aged about 14 years; during investigation her statement under section 164 Cr.P.C was recorded which connects the applicant with the commission of offence. W.M.O issued provisional medical certificate and final opinion was reserved for want of DNA report. This court also called report from Forensic Molecular Biology Laboratory, LUMHS Jamshoro which has been received during hearing and the same is taken on record. The DNA report is positive which too connect the applicant with the commission of offence which makes out the case falls within the ambit of prohibitory clause of section 497 Cr.P.C. Learned counsel for the applicant mainly contended that due to political rivalry, the complainant party has falsely implicated him. It could be a defence plea of the applicant which cannot be considered at this stage and only tentative assessment is to be required. Sufficient material is available on record which connect the applicant with the commission alleged offence and no case for grant of bail is made out.

7. In view of the above, learned counsel for the applicant/accused has failed to make out a case warranting the grant of bail. Accordingly, the bail application filed on behalf of the applicant/accused is **dismissed**. The case laws relied upon by the learned counsel for the applicant are distinguishable from the facts and circumstances of the present case.

8. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

JUDGE