

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

**Cr. Bail App. No. S – 572 of 2025**

*(Sajid Ali alias Sajid v. The State)*

Date of hearing : **22.09.2025**

Date of decision : **22.09.2025**

Mr. Sikandar Ali Junejo, Advocate along with applicant (on bail).

Mr. Shabbir Ali Bozdar, Advocate along with complainant.

Syed Sardar Ali Shah Rizvi, Additional Prosecutor General.

## **ORDER**

**Mahmood A. Khan, J.** – This is a pre-arrest bail application, wherein the present applicant has been charged under Sections 452, 365-B, 34, PPC, and Section 3 of Prevention of Trafficking in Person Act, 2018, in FIR No.52 of 2018, registered at Police station Wasti Jeewan Shah. The specific role attributed to the applicant is the abduction of the complainant's wife from her home.

2. After partial hearing of the matter, learned Counsel for the applicant was called upon to exercise his option of not pressing this bail application and to seek available opportunities before the learned trial Court, to which he required to press this bail application.

3. Learned Counsel for the applicant contended that the applicant is innocent and a managed story has been made out in the FIR, and no substance to support the overt allegations made therein is available on record except oral statement. It is further contended that the applicant got married with the sister of the complainant, and thereafter, the said sister was kept by the complainant, and the present story has been managed to pressurize the applicant. Learned Counsel for the applicant relied upon the authorities, in respect to the bail application, reported as **2013 P Cr. L J 1424, 2011 P Cr. L J 1638 and 2022 SCMR 14.**

4. Learned Counsel for the complainant, however, contended that the applicant has been specifically nominated, and the recovery of abductee was made from his house, whereafter the abductee had recorded her statement under Section 164, Cr.P.C. implicating the applicant specifically. It is also contended that against Mst. Tamseela, the sister of the complainant, false accusation of the marriage was made, and in this regard, an application under Section 491, Cr.P.C. was also filed, wherein on bringing the element of no *nikah* existing, the criminal miscellaneous application was dismissed, and in this regard, the Registrar of *Nikah* had also filed affidavit that the *nikahnama* is not coming from him. It is also contended that the complainant, apart from the said proceedings, filed an application under Section 22-A, Cr.P.C. on behalf of the mother making false allegations, which was also dismissed. It is also contended that two brothers of the present applicant, nominated in the FIR, had sought bail before arrest, and thereafter, preferred not to appear before this Court. It is also contended that the applicant party is making complaints against the present complainant in order to pressurize him. Contending that the concession of bail being abused, and as such the same is not available, learned Counsel for the complainant has relied upon the authorities reported as **2024 P Cr. L J 603**, **2025 MLD 529** and **2024 MLD 1344**.

5. Learned Additional Prosecutor General submitted that the recovery of the abductee was made in presence of police witnesses, and the proceedings of Section 491, Cr.P.C. were lodged subsequent to the FIR, and considering the 161 / 164, Cr.P.C. statement(s) in the matter, the bail is being opposed.

6. In rebuttal, learned Counsel for the applicant contended that no allegation of *zina* is made; as such the matter does not come within the limits of prohibitory clause of Section 497, Cr.P.C.

7. Having heard the learned Counsels and gone through the record, it prefers to observe that this is a pre-arrest bail application. Apart from merit, the requirement of *mala fide* has to be shown. Presently, the

applicant has drawn up a *mala fide* on part of the complainant on account of alleged marriage with his sister, to which no support is found available. The applicant, apparently, has no care and consideration to the status of womenfolk in our society within existing allegations of abduction of one woman in the family, and other accusation has been made of marriage existing with another female of the said family.

8. Such a conduct being present, and based upon the record, nothing is found available to disconnect the present applicant with the alleged offence. The present application, thus, is not found tenable and is accordingly **dismissed**. Consequently, the ad-interim pre-arrest bail earlier granted to the applicant by this Court, vide order dated 08.07.2025, is hereby recalled.

Abdul Basit

J U D G E