

Order Sheet

IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail Application No. 2822 of 2025

Date	Order with signature of Judge
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For hearing of Bail Application.

29.12.2025

Mr. Mehnaz Jan Afridi, Advocate for Applicant.
 Ms. Seema Zaidi, Additional Prosecutor General.
 Mr. Abid Mehmood Arain, Advocate for Complainant.
 SIP Muhammad Nadeem, P.S. Mehmoodabad.

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MUHAMMAD OSMAN ALI HADI J:- Through this Application under Section 497 Cr.P.C., the Applicant Zafar Iqbal seeks Post-arrest Bail in FIR No. 241/2025 registered at P.S. Mehmoodabad Karachi, for offences under Section 365-B & 376 PPC & 3 of Prov. Of Trafficking in Person Act 2018.

Learned Counsel for the Applicant submits that the Applicant was married to a lady, namely Ms. Iqra, for which he has referred to the Nikahnama placed on record¹.

Learned Counsel submits that there was a contractual marriage between the Applicant and Ms. Iqra ("lady"), which was later found and objected to by the lady's family. He then submitted the lady left the house of her parents to live with the Applicant (at his premises), being her husband, out of free will. The family of the lady then subsequently came with the Police to his premises, and forcefully took Ms. Iqra away. He submits that force was used against the Applicant, and that a false First Information Report (FIR) was filed against the Accused under Section 365-B PPC. He submits the Court below failed to consider the principles of bail, and passed the Impugned Order (denying bail) in derogation of law and settled principles, against which the instant Application was filed.

Learned Counsel for the Complainant has controverted the assertions of the Applicant, and submits that the Applicant / Accused was a tenant at the victim's brother's house, and that the Accused forcefully kidnapped Ms. Iqra and committed Zina with

¹ Available at page-31

her. Learned Counsel has relied upon Ms. Iqra's Statement under Section 164 Cr.P.C. in support of his contentions.²

I have heard the learned Counsel and gone through the material available on record with their assistance. It appears that the Accused has already been incarcerated for over five (5) months, and the Trial has yet to commence. Furthermore, at this stage, it appears that no concrete legal grounds have been submitted for denial of bail, as the material currently available on record would no doubt require further inquiry / assessment before establishing guilt / innocence of the Accused after proper recording of evidence at the trial stage.

The above reasons, in my opinion, entitles the Applicant / Accused to the concession of bail, which opinion is fortified by established *dictums* of the August Supreme Court.³

In view of the foregoing, this Bail Application is allowed. The Applicant/Accused Zafar Iqbal is admitted to post-arrest bail in the above Crime / FIR subject to furnishing solvent surety in the sum of Rs. 75,000/- (Rupees Seventy-Five Thousand only) and a PR bond in the like amount, to the satisfaction of the Nazir of this Court.

Needless to state the observations hereinabove are purely tentative in nature and shall not prejudice the proceedings before the Trial Court, which shall decide the case strictly on the evidence led before it.

The Bail Application is disposed of.

J U D G E

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² Available at page-35

³ *Zulqarnain Haider v State* 2025 SCMR 1457; *Muhd. Anwar v The State* 2024 SCMR 1567