

**IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Crl. Bail Application No.S-774 of 2025

Applicant:	Manthar son of Muhammad Yousif through Ms. Samina Ajmeri, advocate along with applicant/accused.
For the State:	Mr. Ghulam Murtaza Mallah, Assistant P.G. along with SIP Abdul Ghafoor PS Matiari.
Date of hearing:	25-09-2025
Date of Order:	25-09-2025

ORDER

Jan Ali Junejo, J. – Through the instant application filed under Section 498, Cr.P.C., the applicant/accused Manthar s/o Muhammad Yousif seeks the concession of pre-arrest bail from this Court. The applicant was earlier granted ad-interim pre-arrest bail vide order dated 18.07.2025 in Crime No. 81 of 2025 registered at Police Station Matiari for offences punishable under Sections 376, 511, 506(ii), 504, and 34, P.P.C. Prior to approaching this Court, the applicant had filed Criminal Bail Application No. 483 of 2025 before the learned Sessions Judge, which was subsequently transferred to the Court of the learned Additional Sessions Judge/Special Judge (Anti-Rape), Matiari, wherefrom it was dismissed vide order dated 16.07.2025.

2. Brief facts of the case, as set out in the FIR, are that complainant Mst. Areeba, aged about 18/19 years, alleged that on 20.05.2025, at about 10:30 p.m., while she was sleeping outside her house, the present applicant/accused Manthar allegedly entered her house armed with a pistol, dragged her into a room, abused her, and attempted to commit zina with her at gunpoint. On her

cries, her parents Mst. Rizwana and Lakhadino arrived and rescued her, whereafter the applicant allegedly pointed a pistol at them, threatened them with dire consequences, and fled away. The FIR further alleges that thereafter when the complainant approached the family members of the accused, namely Mst. Subhani (mother) and Mst. Azra (sister), they abused her, denied the incident, and also extended threats. The FIR was lodged on 23.06.2025.

3. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated due to enmity between the parties. It is contended that the FIR is belated by more than a month without any plausible explanation, which itself makes the prosecution case doubtful. It is further submitted that no medical examination corroborates the alleged attempt, no independent witnesses from the locality were associated despite availability, and all PWs are closely related to the complainant. It is also argued that co-accused Mst. Subhani and Mst. Azra have already been admitted to bail by a competent Court, hence rule of consistency applies. Learned counsel further contends that the alleged offences, in the given circumstances, call for further inquiry within the meaning of Section 497(2) Cr.P.C. Lastly, the learned counsel prayed for confirmation of bail.

4. Nonetheless, the complainant Mst. Areeba and prosecution witnesses Lakhadino and Mst. Rizwana have filed their 'No objection affidavits' stating therein that they have no objection if the bail plea of applicant/accused Manthar is allowed in his favour and the same is confirmed as due to intervention of nekmards of the locality they have compromised the matter outside of the Court.

5. Conversely, the learned Assistant Prosecutor General has opposed the confirmation of bail on the ground that the complainant has fully implicated the applicant with specific role of attempt to commit Zina while armed with a pistol. Learned A.P.G prayed for dismissal of bail.

6. I have heard the learned counsel for the parties and carefully examined the material available on record. It is a well-settled proposition of law that at the stage of bail, a deeper appreciation or detailed evaluation of the evidence is neither permissible nor desirable. The Court is only required to make a tentative assessment to determine whether the accused has made out a case for the grant of bail. From such tentative assessment, it appears that the alleged incident is stated to have occurred on 20.05.2025, whereas the FIR was lodged with an inordinate delay of more than one month, i.e., on 23.06.2025, without furnishing any plausible or satisfactory explanation for such delay. This unexplained lapse in time, *prima facie*, casts a shadow of doubt upon the veracity and spontaneity of the prosecution version. Furthermore, no medical examination report of the complainant has been placed on record to substantiate the allegations regarding the alleged attempt of *zina*. The absence of such crucial corroborative evidence weakens the prosecution stance at this preliminary stage. It is also noticeable that despite the alleged occurrence having taken place in a populated area, no independent witness from the neighborhood has been cited, although such witnesses were apparently available. The only prosecution witnesses so far associated are close relatives of the complainant, which further necessitates cautious scrutiny of their statements at trial. The record also reveals that there exists admitted enmity between the parties, which cannot be overlooked at this stage and adds weight to the plea of false implication advanced on behalf of the applicant. Moreover, co-accused Mst. Subhani and Mst. Azra have already been admitted to bail; hence, the rule of consistency also comes into play in favor of the present applicant, whose role appears to be on a similar footing. The allegation against the applicant, though grave in nature, requires deeper examination at trial to determine its truthfulness. *Prima facie*, the available material suggests that the case of the applicant falls within the ambit of *further inquiry* as contemplated under Section 497(2), Cr.P.C. It is equally well-recognized that the underlying

object of granting pre-arrest bail is to protect an innocent person from unjustified arrest, humiliation, and harassment at the hands of police authorities, particularly in cases where malafide intention, ulterior motive, or misuse of the process of law appears evident. The applicant has already joined the investigation and is cooperating with the police. There is nothing on record to indicate that he has misused the concession of interim bail, or that he is likely to abscond or tamper with the prosecution evidence. In view of the above discussion, and keeping in view the settled principles governing the grant of bail, I am of the tentative opinion that the case of the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Moreover, the complainant Mst. Areeba and prosecution witnesses Lakhadino and Mst. Rizwana have raised no objection to the confirmation of bail in favour of the applicant. Accordingly, in view of the no-objection by the complainant and witnesses, coupled with the existence of sufficient grounds for further inquiry, the applicant is entitled to confirmation of bail.

7. For the foregoing reasons, the interim pre-arrest bail granted to the applicant vide order dated 18.07.2025 is hereby confirmed on the same terms and conditions. The observations made herein are purely tentative in nature, confined to the present proceedings, and shall not prejudice the case of either party at the time of trial. The learned trial Court is directed to proceed with the matter expeditiously and strictly in accordance with law. These shall constitute the detailed reasons for the short order announced on 25.09.2025.

JUDGE

Ahmed/Pa,