

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1479 of 2025

Date: Order with Signature of Judge

Date of hearing : 23.09.2025  
Date of Reasons : 24.09.2025  
Applicant : Through Mr. Abdul Rauf Malik, Advocate  
Complainant : Through Mr. Abdul Razzaq Solangi, Advocate  
The State : Through Ms. Seema Zaidi, Addl. P.G.

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ORDER

**MUHAMMAD HASAN (AKBER), J.-** Through the instant application, the applicant seek concession of post-arrest bail in Crime No. 220/2025, registered under Section 376/342/34 PPC at Police Station Malir City, Karachi. Earlier, the bail application of the applicant/accused was dismissed by the learned V<sup>th</sup> Additional Sessions Judge, Karachi (Malir) vide order dated 30.05.2025, whereafter the applicant has approached this Court.

2. Brief facts of the case as narrated in the FIR are that the complainant's 17/18 year old daughter, Anaya, was abducted at gunpoint near Laila Town, Malir City, by her school fellow Faizan and three unknown accomplices. She was allegedly drugged, rendered unconscious and gang-raped at an unknown location before returning home around 9:00 PM via a Yango car. The incident was reported to the police with a medical examination request, naming Faizan and three others as accused.

3. Learned counsel for the applicant has contended that the accused, a 17 year old student, has been falsely implicated due to a friendship disapproved by the victim's parents; There is a 34-hour delay in lodging of the FIR, no missing person report, lack of eyewitnesses or victim resistance and claims that the victim's Section 164 statement was coerced and the medical report unreliable; The applicant is a juvenile and his academic career is at risk due to his continuous detention.

4. Learned counsel for the complainant emphasizes the seriousness of the abduction and gang rape charges, supporting the case with medical evidence, timely reporting and the victim's judicial statement under Section 164 Cr.P.C. It was argued that the gravity of the non-compoundable offence, which carries severe punishment, outweighs technical bail arguments such as delay or academic loss. Learned Addl. P.G supports the complainant's stance.

5. Heard learned counsel for the applicant as well as complainant and learned Addl. P.G and perused the record. The allegations against the applicant are of an extremely grave and heinous nature, involving the abduction and gang rape of a minor schoolgirl. The prosecution's case, as detailed in the F.I.R, is that the victim was abducted at gunpoint, administered an intoxicant and subjected to sexual assault by multiple individuals including the applicant. The severity of the offence, which falls under Section 376 of the Pakistan Penal Code is compounded by the involvement of multiple accused and the use of a firearm, making it a crime that shocks the collective conscience of society and warrants strict judicial scrutiny.

6. Learned counsel for the applicant has raised several contentions including alleged delay in the lodging of the FIR, absence of independent eyewitnesses and questions regarding the medical evidence, these arguments do not, at this preliminary stage, sufficiently dislodge the core allegations made by the victim. The delay of approximately 34 hours, as cited, is not so inordinate as to be fatal to the prosecution's case, particularly when considering the traumatic nature of the incident for a young victim and the understandable period required for the family to seek medical attention and report the matter to the authorities. The victim's statement under Section 164 of the Code of Criminal Procedure, which has been recorded by a judicial magistrate, carries significant weight and provides substantial corroboration to the initial version of events. The medical evidence, while its detailed description is a matter for trial, prima facie supports the allegation of sexual assault.

7. The contention that the applicant is a juvenile and is therefore entitled to bail under the Juvenile Justice System Act is noted. However, the benevolent provisions of the Act are not an absolute right to bail in every circumstance. The nature and gravity of the offence are critical factors for consideration. In cases involving serious, non-compoundable offences that threaten public safety and social order, the mere

fact of juvenility does not automatically entitle an accused to bail. The allegation of the applicant actively participating in a gang rape places this case in a category where the statutory concession of bail must be balanced against the interests of justice and the protection of society. The assertion of false implication due to opposition to a friendship appears to be an afterthought without any substantive evidence presented at this stage to support such a claim of malafide. The specific nomination of the applicant by the victim, both in the FIR and her subsequent judicial statement, cannot be lightly brushed aside. Considering the material on record, there exist reasonable grounds for believing that the applicant is involved in the commission of the offence. The apprehension that he may influence witnesses or tamper with evidence due to the serious allegations and the potential consequences he faces, is a real and legitimate concern that militates against the grant of bail.

8. The alleged incident is of 14.04.2025, the FIR is dated 15.04.2024 where is the applicant was arrested on 19.04.2025. The bail application filed by two other accused persons has already been dismissed by the learner trial court. The victim is about 16 years of age. The applicant has been directly nominated by the victim in her statement under section 164 Cr.P.C. whereas the opinion in the medical certificate clearly refers to assault committed on the victim. The 161 Statement of the Chowki of the guest house also lends support to the fact that the victim was taken to the guest house. Deeper appreciation of evidence at bail stage has always been discouraged by the Honourable Supreme Court. The offence is serious and carries a severe punishment, falling under prohibitory clause of section 497 Cr.P.C. The grounds of "further inquiry" are not made out, as the available evidence does not reveal any glaring contradictions that would warrant the release of the accused at this juncture. Consequently, without touching the merits of the case; on a prima facie assessment; and considering the principles in '**Aslam Ablo v. The State**' 2020 YLRN 154, '**Mansoor alias Gudo v. The State**' 2014 MLD 377, '**Ali Hasan v. The State**' 2013 YLR 937, '**Azhar Mahmood alias Moodi v. The State**' 2014 P.Cr.L.J. 1635 and '**Irshad Ali v. The State**' 2011 MLD 2861, no case for the concession of bail is made out. The application being devoid of merit, is accordingly dismissed.

**JUDGE**