

IN THE HIGH COURT OF SINDH, KARACHI

CR. BAIL APPLICATION NO.1515 OF 2025
'Muhammad Asadullah Rana Versus The State'

Date

Order with Signature(s) of Judge(s)

FOR HEARING OF MAIN CASE.

20.12.2025

Mr. Athar Ali Memon, Advocate for the applicant along with the applicant.
Mr. Tahir Hussain, APG along with DSP/Incharge SSOIU Zakia Malik,
DSP Saeedabad Dr. Farooq, Inspector/SHO PS Saeedabad Pervez
Solangi, P.I. Nuaroz Khan and SIP/I.O. Mirza Adeel Baig

Complainant and the alleged abductee are present in person

MUHAMMAD HASAN (AKBER), J.- The applicant seeks pre-arrest bail in Crime No.730/2024 of P.S. Saeedabad, Karachi, for an offence under Section 365-B PPC read with section 3(2) of the Child Marriage Restraint Act 2013. Earlier, the bail plea of the applicant was declined by the learned Additional Sessions Judge-X, Karachi West, vide Order dated 02.05.2025.

2. The allegation against the applicant is of abducting a minor aged about 15 years with the intent to compel her into marriage and commit illicit acts, and the offence is punishable under section 365-B PPC. It is also alleged that the applicant has contracted marriage with the alleged abductee by knowing that she was a minor, which is a clear violation of section 4 of the Child Marriage Restraint Act 2013, punishable up to 3 years, and the same is non-bailable. The abductee was recovered from the family of the applicant after a period of more than three months.

3. Learned counsel for applicant / accused reiterated the grounds of bail application and further contended that the applicant is innocent and has been falsely roped in a criminal case; delay in FIR, the nikahnama, the Freewill,

other documents and the fact of living of the alleged abductee for more than three months in the house of the applicant along with his entire family without any compulsion were also relied upon by the learned counsel. He further argued that the alleged offence is not made out from the prosecution story and the same contains contradictory stances; that the applicant or his family were not aware about the age of the abductee, nor was there any document or any material available to verify her age; nor was there any pressure asserted upon her who lived at their house along with the entire family for more than three months; that no allegation of kidnapping or forceful marriage has been alleged; and that the applicant loves his wife even today, and is ready and willing to continue with the said marriage by keeping her with his family with due respect. Lastly, argued that it is a fit case for further inquiry and entitles the applicant to bail.

4. Conversely, the learned Assistant Prosecutor General, who has very ably assisted this Court, opposed the bail application on the ground of minority of the abductee and the allegations in the FIR and prayed for the dismissal of the bail plea. The DSP / In-charge SSOIU and the IO are also present and inform that the earlier investigation officer has retired, whereas challan has been submitted in Court, and undertake to submit a Comprehensive Report in Court, during the course of the day, with an advance copy to the learned APG.

5. Heard and perused the record. The alleged abductee, who is present in Court, was personally heard in detail in the presence of the learned counsel for the applicant and learned APG, who narrated the entire chain of events, the detailed contents whereof are not being recorded here, lest it may prejudice the case of either side before the learned trial court. The Nikahnama, the Free-Will and the Statement of the alleged abductee under section 164 Cr.PC. have been considered, which all reflect different ages of the alleged abductee. During the course of the hearing, it was informed by the complainant that a Family Suit No.1281/2025 for dissolution of marriage by way of khula has also been filed before the concerned Family Court, which is pending adjudication.

6. On a tentative assessment, without touching the merits of the case, based upon the material available on record and especially based upon the detailed hearing of the alleged abductee in person in Court today, a case for further enquiry has been made out in favour of the applicant with respect to the allegations under section 365-B PPC. and section 3(2) of the Trafficking in Persons Act 2018, whereas the maximum punishment under section 4 of the Child Marriage Restraint Act 2013, being three years, does not fall under the prohibitory clause of section 497 Cr.PC. The observations herein are tentative in nature and may not prejudice the learned trial Court during trial.

7. The instant application is therefore allowed on the same terms as recorded in the Order dated 05.06.2025, which is hereby confirmed, and these are the reasons for my short order today.

JUDGE