

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1804 of 2026

Applicant : Muhammad Ramzan
Son of Eman Shareef
Through Mr. Raja advocate

Complainant : Mst. Fatima
W/o. Muhammad Ramzan
Through Mr. Behzad Akbar,
advocate

The State : Through Ms. Tahira Depar,
Assistant Prosecution General,
Sindh.

Date of hearing : 21.09.2026.

Date of Order : 21.09.2026.

ORDER

Jan Ali Junejo, J.- Applicant Muhammad Ramzan son of Eman Sharif seeks post arrest bail in FIR No.448/2024, registered at Police Station Docks, Karachi for the offences punishable under Sections 376 PPC. The applicant has approached this Court being aggrieved by the order dated 11.03.2026 passed by the learned Additional Sessions Judge-X, Karachi West [Court of Gender Based Violence Cases] whereby his bail application was declined.

2. The prosecution case, as set out in FIR No.448 of 2024, is that the complainant Fatima wife of Muhammad Ramzan residing at the address mentioned in Column No.4 of the FIR stated that she works at a private fishery company. On 20.08.2026, while she was on duty, her husband Muhammad Ramzan son of Eman Sharif allegedly committed rape upon their biological daughter Gul Miraj aged 17 years by threatening and intimidating her. On 21.01.2024, at about 5:00 to 6:00 p.m., her daughter informed her about the incident, whereafter her husband left the place while threatening both the complainant and her daughter. The complainant thereafter approached the police along with her daughter and lodged the report. Hence, this FIR.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case; that the

alleged occurrence took place on 20.08.2024, whereas the FIR was lodged on 22.08.2024 after an unexplained delay of two days, which creates doubt regarding the prosecution version; that the victim was medically examined after registration of the FIR and, although samples were collected for DNA analysis, the DNA report, as reflected in the challan, is negative, thereby not supporting the prosecution allegations; that the case is otherwise based mainly upon the uncorroborated version of the complainant and the investigation has failed to properly consider the applicant's version; that material discrepancies exist between the ocular and medical evidence, warranting further inquiry under Section 497(2), Cr.P.C.; that the applicant has been implicated due to mala fide and ulterior motives arising from the dispute involving Sikandar Ali, who was employed at the fish shop of the applicant and developed relations with the victim and sought to marry her, which was opposed by the applicant on the ground that Sikandar was already married and had children; that after being removed from employment, Sikandar allegedly threatened the applicant and subsequently married the victim, and the applicant has been implicated in the present case due to such enmity; that the complainant has also failed to pursue the proceedings before the learned trial Court despite issuance of non-bailable warrants; that the investigation has been completed and the applicant is no longer required for further investigation; that no independent witness was associated despite the alleged place of occurrence being a populated area; that the alleged offence does not fall within the prohibitory clause of Section 497, Cr.P.C.; and that, in the circumstances, the case of the applicant calls for further inquiry and he is entitled to the concession of bail in accordance with law.

4. Conversely, learned APG assisted by learned counsel for the complainant oppose this bail application on the ground that victim Gul Miraj has fully implicated the applicant for commission of the alleged offence in her statement recorded under section 164 Cr.P.C.; that the medical evidence fully supports the prosecution case; that no reasonable ground exists to disbelieve the allegations leveled against the applicant, who is biological father of the victim.

5. I have heard the learned counsel for the applicants, learned counsel for the complainant and learned A. P. G. Sindh, and have gone through the available record with their assistance.

6. The allegation against the applicant is of committing rape upon his own biological daughter, aged about 17 years. The record reflects that the victim has specifically implicated the applicant in her statement recorded under Section 164, Cr.P.C. Moreover, the medical report prima facie supports the prosecution version, as the victim was found to have been subjected to sexual assault/intercourse. Thus, at this tentative stage, the statement of the victim finds corroboration from the medical evidence available on record. The alleged offence under section 376 P.P.C. being punishable for death or imprisonment not less than ten years falls within the prohibitory clause of section 497, Cr.P.C. Any defence plea or hypothetical question which could be imagined, would not make it case of further inquiry simply for the reason that it could be answered by the trial Court subsequently after evaluation of evidence.

7. Consequently, the applicant has failed to demonstrate any ground warranting interference with the impugned order and has failed to make out a case for the grant of post-arrest bail. Accordingly, the instant Cr. Bail Application is dismissed.

The observations made herein are tentative in nature and shall not prejudice the learned trial Court in deciding the case strictly in accordance with law on the basis of evidence recorded before it.

JUDGE