

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2235 of 2026

Applicant : Muhammad Soaib
son of Firdous Javed
Through: Mr. Liaquat Ali Khan
advocate.

Complainant : Mst. Rida Fatima
D/o. Ashfaq Ahmed
Through: Mr. G. M. Korai advocate.

The State : Through Ms. Najma Latif Golo,
Assistant Prosecutor General, Sindh

Date of hearing : 30.09.2026.

Date of Order : 30.09.2026.

ORDER

Jan Ali Junejo, J:- Through this application under Section 497 Cr.P.C., the applicant/accused seeks post-arrest bail in case FIR No.362/2026 registered at P.S. Darakhshan for offences punishable under Sections 342/376/337-A(i) PPC. The applicant has challenged the order dated 17.07.2026 passed by the learned Additional Sessions Judge-III/Special Court (ARITA-2021), Karachi South, whereby his bail application was dismissed.

2. Brief facts of the prosecution case, as narrated in the FIR, are that the complainant stated that her engagement with Muhammad Soaib son of Firdous Javed was solemnized in March 2023 but was subsequently broken off in January 2025 due to his alleged drug addiction. Despite the separation, he remained in contact with her and, on 16.05.2026 at about 07:00 p.m., came to her residence and induced her to accompany him in his white Honda City car bearing Registration No. BYE-130, whereafter he took her to an event at Hawksbay and drove her around various roads. On 17.05.2026 at about 06:00 a.m., he allegedly booked Rambo Homes Guest House, Flat No.103, 3rd Floor, Lane No.6, Muslim Commercial Area, Phase-VI, DHA, Karachi, and forcibly took her there. It was alleged that at the guest house he asked her to marry him and, upon her refusal, assaulted her, took possession of her mobile phone and, at about 03:00 p.m., forcibly subjected her to sexual intercourse despite her repeated

refusal and resistance. At about 11:00 p.m., when she got an opportunity, she contacted Madadgar-15, whose officials arrived at the guest house and apprehended the accused at her identification. The complainant thereafter appeared at the police station alongwith the accused and requested legal action against him for allegedly inducing her, illegally confining her, assaulting her and committing zina with her against her will, hence, this FIR.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to ulterior motives, as he and the complainant were previously in a consensual relationship. He submitted that the interim challan reflects non-cooperation of the complainant with the investigation and that no blood-group matching, forensic comparison, swabs or other relevant forensic material has been collected to substantiate the allegation under Section 376 PPC, while the complainant also failed to produce her mobile phone for forensic examination. He further argued that in her statement under Section 164 Cr.P.C., recorded after 19 days of registration of the FIR, the complainant admitted having herself sent messages to the applicant asking him to pick her up and park the car away from the front gate, thereby contradicting the allegation of inducement. Learned counsel pointed out material discrepancies and improvements in her subsequent statements, including her admission that after breakfast she experienced blurred vision and an intoxicating sensation before being taken to the guest house, as well as the discrepancy regarding her marital status. He further submitted that the complainant remained in contact with her friend Sara, made video calls during the relevant period, and was also present at Bobi Mart at about 05:10 p.m., approximately 1½ kilometres from the alleged place of occurrence, which circumstances, according to him, negate the allegation of wrongful confinement. He argued that the complainant herself contacted Sara to call the applicant's wife, Maira, to the place of occurrence, whereupon the police arrived and arrested the applicant. He further relied upon the medico-legal examination, which reportedly showed no marks of violence, an old torn and healed hymen and no finding suggestive of recent sexual activity, and contended that, coupled with the absence of relevant forensic evidence and the complainant's admitted menstruation, the prosecution case requires further inquiry under Section 497(2), Cr.P.C. Learned counsel further submitted that the complainant/victim has filed an affidavit of no objection, wherein she has

stated that she is going abroad and does not wish to proceed further against the applicant and has no objection if he is admitted to bail. Lastly, he submitted that the applicant is no longer required for investigation, his continued incarceration would serve no useful purpose, and he undertakes to regularly attend the trial and not misuse the concession of bail; hence, he prayed for grant of post-arrest bail.

4. Conversely, learned APG assisted by learned counsel for the complainant opposes the grant of bail and submitted that the victim has consistently implicated the applicant in her statement under Section 164 Cr.P.C. as well as before the trial Court. She argued that the medical evidence supports the prosecution case. She further argued that the offences involved are heinous in nature, punishable with severe sentences, and do not call for further inquiry. She, therefore, prayed for dismissal of the bail application.

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

6. The defence primarily relies upon the previous relationship between the parties, alleged discrepancies in the complainant's statements, circumstances in which she accompanied the applicant, absence of conclusive forensic evidence and the medico-legal examination. These are matters requiring appreciation of evidence and cannot be conclusively determined at the bail stage. The complainant has attributed specific acts of confinement, assault and forcible sexual intercourse to the applicant, and her statements under Section 164 Cr.P.C. and before the learned trial Court prima facie support the prosecution case.

7. The plea that the complainant voluntarily accompanied the applicant, remained in contact with her friend or was subsequently found at another location does not, by itself, establish consent to the alleged sexual act. Likewise, the previous relationship or engagement between the parties cannot, at this stage, be treated as conclusive proof of consent. The alleged contradictions and conduct of the complainant are matters for determination at trial.

8. The alleged deficiencies in investigation, including non-collection of certain forensic material, do not by themselves negate the

complainant's account or bring the case within further inquiry. Similarly, the medico-legal findings regarding absence of external injuries and an old, torn and healed hymen are not conclusive either way and require appreciation along with the other evidence at trial.

9. The affidavit of no objection filed by the complainant/victim, wherein she states that she is proceeding abroad, does not wish to pursue the matter and has no objection to grant of bail, has also been considered. However, the alleged offence under Section 376 PPC is serious in nature, and such subsequent expression of no objection, by itself, does not displace the specific accusation made by the complainant or conclude the criminal proceedings. Its evidentiary effect and voluntariness are matters which may be considered by the learned trial Court in accordance with law.

10. The fact that investigation has been completed and challan submitted is a relevant consideration but, by itself, does not entitle the applicant to bail where the available material otherwise provides reasonable grounds connecting him with the alleged offences. At this stage, the prosecution material, particularly the specific accusation of forcible sexual intercourse coupled with the allegations of wrongful confinement and assault, prima facie connects the applicant with the occurrence. The defence pleas require deeper appreciation of evidence and, therefore, do not presently bring the case within the ambit of further inquiry under Section 497(2), Cr.P.C.

11. For the foregoing reasons, I am of the tentative view that reasonable grounds exist for believing that the applicant is connected with the alleged offences and he has failed to make out a case for grant of post-arrest bail. Consequently, the instant Cr. Bail Application is dismissed.

12. The observations made herein are tentative in nature and shall not prejudice the learned trial Court in deciding the case on its merits.

JUDGE