

# **IN THE HIGH COURT OF SINDH AT KARACHI**

## **Criminal Bail Application No.136 of 2026**

Applicant : Muhammad Ahmed, Through:  
Mr. Amir Nawaz Waraich, advocate.

Complainant : Mst. Yusra Khan, Through:  
Ms. Farah Khan, advocate.

The State : The State: Through Mr. Mumtaz Ali  
Shah, Additional Prosecutor General,  
Sindh

Date of hearing : 19.03.2026

Date of Order : 19.03.2026

### **ORDER**

**Jan Ali Junejo, J:**-- Through this order, I propose to decide the instant bail application filed by the applicant Muhammad Ahmed, who is seeking post-arrest bail in FIR No.363/2025 registered under Section 376/34 PPC at P.S. Azizabad, Karachi, after dismissal of his second bail application by the learned IInd Additional Sessions Judge, Karachi Central, vide order dated 13.12.2025.

2. The prosecution case, as set out in the FIR, is that the complainant, a working woman, alleged that she was sent by her employers to meet a client for business purposes. The applicant/accused took her in his car to a flat situated in Azizabad, where, according to the complainant, he threatened her with a knife, subjected her to physical violence, and forcibly committed zina (rape) with her. Thereafter, she was allegedly pushed out of the premises. The FIR was lodged on 02.07.2025 with regard to the incident that allegedly occurred on 25.06.2025.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated with mala fide intention. It was argued that there is an unexplained delay of about seven days in lodging the FIR, which creates doubt in the prosecution case. He further submitted that no medical or DNA test was conducted within the legally prescribed time, rendering the prosecution case doubtful. It was also argued that material contradictions exist in the statements of the complainant recorded under Sections 161 and 164 Cr.P.C., as well as in her deposition before the trial Court. Learned counsel emphasized that the investigation has been completed and challan has already been submitted; therefore, no further custody of the applicant is required. He prayed that the case calls for further inquiry and the applicant is entitled to concession of bail.

4. Conversely, learned A.P.G. for the State, duly assisted by learned counsel for the complainant, opposed the grant of bail and contended that the applicant is specifically nominated in the FIR and has been consistently implicated by the complainant at all stages. It was argued that the offence falls within the prohibitory clause of Section 497 Cr.P.C., and the allegations are of serious nature involving sexual assault under coercion and threat. Learned counsel further submitted that minor discrepancies pointed out by the defence are not sufficient to discard the prosecution case at bail stage. It was also argued that no material change in circumstances has been shown after dismissal of earlier bail application. He, therefore, prayed for dismissal of the bail application.

5. I have heard the learned counsel for the parties at length and have gone through the available record with their able assistance. Admittedly, the applicant is nominated in the FIR with a specific role of committing rape upon the complainant. The offence alleged falls within the prohibitory clause of Section 497 Cr.P.C., wherein grant of bail is an exception and refusal is the rule, unless the case calls for further inquiry. The contention of the learned defence counsel regarding delay in lodging FIR has been considered. However, in cases of sexual offences, delay in reporting is not uncommon and is often attributable to trauma, social stigma, and fear. In the present case, the complainant has provided an explanation that after the incident, she disclosed the matter to her family and remained engaged due to her mother's illness. Tentatively, such explanation cannot be brushed aside at this stage. As regards the absence of medical or DNA evidence, it is settled law that conviction in rape cases can be based upon the sole testimony of the victim if found confidence-inspiring. Medical evidence is only corroborative in nature and its absence is not fatal to the prosecution case at bail stage. The alleged contradictions in statements of the complainant, as pointed out by the defence, appear to be minor and relate to peripheral aspects of the case. At bail stage, only a tentative assessment is required, and such discrepancies do not go to the root of the matter so as to render the entire prosecution case doubtful. It is also pertinent to note that the complainant has consistently implicated the present applicant in her statements under Sections 161 and 164 Cr.P.C. as well as in her deposition before the trial

Court. The defence plea of false implication and extortion has not been substantiated by any independent material at this stage. Furthermore, no material change in circumstances has been pointed out by the learned counsel for the applicant since the dismissal of earlier bail application, which is a prerequisite for consideration of a subsequent bail application.

6. Considering the gravity of the offence, the manner in which it is alleged to have been committed, and the consistent stance of the complainant, I am of the tentative view that the case does not fall within the ambit of further inquiry.

7. For the foregoing reasons, I am not inclined to grant concession of bail to the applicant. Consequently, the instant bail application is dismissed. It is, however, clarified that all observations hereinabove are purely tentative and confined to the adjudication of the present bail application. Nothing stated in this Order shall be construed as an opinion on the merits of the case, and the trial Court shall proceed independently, uninfluenced by any observations contained herein. These are the detailed reasons for the Short Order dated: 19-03-2026.

**JUDGE**