

## IN THE HIGH COURT OF SINDH AT KARACHI

### Criminal Bail Application No.250 of 2025

Applicant : Syed Umaid Ali S/o Syed Aziz Ali  
through Mr. Abdul Rauf, Advocate

Respondent : For State:  
through Ms. Rahat Ahsan, Addl. P.G.

Date of hearing : 13.03.2025

Date of order : 13.03.2025

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.557/2023 for the offence under Sections 365-B PPC registered at PS SITE Super Highway, after his bail plea has been declined by the learned Additional Sessions Judge-IV, Malir vide order dated 22.06.2023.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that the FIR was registered against unknown persons; that even after recovery of alleged abductee, her statement U/s 161 Cr.P.C. was recorded wherein she has not implicated the present applicant; that accused namely Zohaib has already been granted bail by this Court vide order dated 26.06.2023, as such, the applicant is also entitled for the same relief on the rule of consistency; that the applicant is in jail and he is no more required for further investigation. Lastly, he prays for confirmation of bail.

4. On the other hand, learned Addl. P.G. has vehemently opposed for grant of bail on the ground that there is no malafide on the part of alleged abductee/victim as in the FIR, father of the victims has not involved any person and simply stated that some unknown persons took away for committing rape with them.

5. Heard the parties and perused the material available on record.

6. From perusal of record, it reflects that complainant reported that his daughter and niece, who are housemaid, went for work but did not return; as such, he lodged the instant FIR against unknown persons for committing rape. During course of investigation, police raided at the house of accused person where both the alleged victims have identified the present applicant. As per learned Addl. P.G., Mst. Ayeza aged about 10 years was subjected to sexual intercourse and her medical report confirms the same. The ocular evidence finds support from the medical evidence. Further, the victim Ayeza while recording her 161 Cr.P.C. statement fully implicated the present applicant in the commission of alleged offence. So far as contention of learned counsel that accused Zohaib was granted bail by this Court, as such, on the rule of consistency, the present applicant is entitled for the same relief, it has no worth as no role was assigned against accused Zohaib whereas, present applicant has been implicated with specific role. Sufficient material is available on record to connect the applicant with the commission of alleged offence. At bail stage, only tentative assessment is to be made.

7. In view of the above, learned counsel for the applicant has failed to make out a case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail application is dismissed. However, learned trial Court is directed to expedite the matter and conclude the same preferably within 60 days.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA