

# IN THE HIGH COURT OF SINDH AT KARACHI

## Criminal Bail Application No. 511 of 2025

Applicant : Mst. Sana Bibi W/o Muhammad Ishaq  
through Mr. Khalid Hussain Chandio, advocate

Respondent : The State  
through Ms. Rubina Qadir, DPG duly assisted  
with Mr. Umar Asad, advocate

Date of hearing : 10.04.2025

Date of order : 21.04.2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.** – The applicant, Sana Bibi seeks post-arrest bail in a case bearing crime No. 07/2025 offence under Section 380, 381, 34 PPC of P.S Darakhshan, Karachi. Her bail pleas were declined by the Court of learned Judicial Magistrate Vth and Additional Sessions Judge III Karachi South vide orders dated 25.01.2025 and 10.02.2025 respectively.

2. The allegation against the applicant is that, while working as a domestic maid in the complainant's household, she committed theft of gold ornaments worth millions of rupees. The FIR specifically names her and attributes to her a direct role in the theft. It is further alleged that upon her arrest, recovery of stolen property was affected from her possession, including multiple gold ornaments such as locket, earrings, and tops bearing religious inscriptions.

3. Learned counsel for the applicant contended that there was an unexplained delay of three days in lodging the FIR; that the applicant is a woman with minor children; that nothing was recovered from her at the time of arrest; and that the offence does not fall within the prohibitory clause of Section 497(1) Cr.P.C. He relied upon the case of 2022 SCMR 609, to argue for concession of bail to a female accused.

4. Conversely, the learned APG assisted by learned counsel for the complainant opposed the grant of bail and submitted that the applicant was not only named in the FIR with a specific role, but a significant quantity of stolen gold ornaments was recovered at her instance. It was further argued that co-accused Haider Ali was granted bail only on the ground that his alleged role was limited to possession/purchase of the stolen property, whereas the present applicant is the principal accused of committing theft from within the house where she was employed and trusted.

5. While there may be allegations of theft and recovery against the applicant, the fact remains that the offences alleged do not fall within the prohibitory clause of Section 497(1) Cr.P.C. Furthermore, the applicant, being a female without any antecedents, qualifies for statutory leniency as envisaged under the law. Her continued incarceration, in the given circumstances, appears to be of no substantial benefit to the prosecution. Additionally, the evidentiary value of the arrest and recovery allegedly effected on 04.01.2025 is a matter requiring deeper appreciation at trial, particularly in light of the assertion that the recovery was conducted by male police officers in violation of sub-section (5) of Section 167 Cr.P.C. Moreover, the applicant had already been taken into custody on 04.01.2025 and could not legally have remained in police custody without compliance with statutory safeguards applicable to female accused.

6. In view of the foregoing, a case for grant of post-arrest bail is made out. Accordingly, the applicant is admitted to bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Two Hundred Thousand only) and a personal bond in the like amount to the satisfaction of the learned trial Court. Needless to mention, the observations made herein are tentative in nature and shall not influence the trial proceedings, which shall be conducted strictly on merits.

**J U D G E**