

IN THE HIGH COURT OF SINDH, KARACHI

Crl. Bail Application No.1247 of 2025

Present

Mr. Justice Muhammad Jaffer Raza.

Date of hearing : 27.06.2025

Date of order : 27.06.2025

Applicant : Adnan son of Ali Sher
through M/s. Zahid Ali Maitlo &
Hashmat Khalid, Advocates

Versus

Respondent : The State
through Mr. Zahoor Shah,
Addl. P.G. Sindh

O R D E R

Being aggrieved by the order passed by the learned Additional Sessions Judge-X, Karachi West, in Bail Application No.2031/2025 dated 05.05.2025 in FIR No.216/2025 under Section 365-B read with Section 2/3 of The Prevention of Trafficking in Persons Act, 2018, registered at P.S. Surjani Town, Karachi, whereby the bail application of the applicant/accused was declined. The applicant/accused has filed instant bail application before this Court seeking release of the applicant/accused on bail. The prosecution story as stated in the FIR is as follows: -

"Complainant lodged FIR stated therein that she has given hand of her little sister Komal to Imdad alias Dawood but same was windup due to some reason. On 16.02.2025 she alongwith her husband present at their job. At about 12 O Clock in a white color High Roof Imdad alias Dawood alongwith boys Zawar, Salman, Adnan and Fahad came at their house and forcibly kidnapped her sister Komal with intention to commit Zina."

2. It is inter-alia contended by the learned counsel for the applicant that applicant/accused is innocent and has been falsely implicated in the instant crime by complainant with malafide intention and ulterior motive. It is further contended that there is no direct or indirect evidence against the applicant/accused. Per learned counsel, nothing was recovered from the possession of the applicant/accused, whereas, there is no eyewitness of the alleged incident. It is further contended that there is unexplained delay of two days in lodging of FIR. He also contended that the alleged offence under Section 365-B PPC is not applicable against the applicant/accused. Per learned counsel, it is a case of further inquiry, hence the applicant/accused may be admitted to bail, who is behind the bars since his arrest for the offence which is yet to be proved.

3. Conversely the learned counsel Addl. P.G. Sindh has vehemently opposed the grant of bail to the applicant/accused on the ground that the applicant/accused is nominated in the FIR with his specific role that he has kidnapped the sister of the complainant and committed her rape. Learned APG further submitted that the alleged abductee in her statement recorded under Section 164 Cr.P.C. fully implicated the present applicant/accused with the alleged offence that he along with co-accused persons have kidnapped her and illegally detained her and committed her rape. Further it was argued that the offence falls within the prohibitory clause of Section 497 (1) Cr.P.C., therefore, in such heinous offence, the concession of bail may not be granted to the applicant/accused at the pre-trial stage.

4. I have heard the learned counsel for the applicant as well as learned APG and perused the record. On tentative assessment of record, it appears that the applicant/accused, alongwith other co-accused is nominated in the FIR with his specific role and further according to the statement of the

abductee recorded under Section 164 Cr.P.C. the alleged abductee fully implicated the present applicant/accused with the alleged offence and in such heinous offence, the concession of bail may not be granted to the applicant/accused at the pre-trial stage as the offence falls within the prohibitory clause of Section 497 (1) Cr.P.C. It is also evident that the applicant/accused has failed to bring on record any malice or malafide on the part of complainant or police. Moreover, the investigation has not been finalized and only interim challan has been furnished before the learned trial court.

5. In view of hereinabove facts, I am of the view that the applicant/accused has not been able to make out a case for grant of bail at this stage. Accordingly, instant bail application of the applicant/accused is hereby dismissed.

6. Needless to observe that the observations made herein are tentative in nature and shall not prejudice the merits of the case, which may be examined strictly in accordance with law and on the basis of evidence on record.

J U D G E

Nadeem