

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
MIRPURKHAS.**

**Criminal Bail Application No.S-130 of 2025**

Applicants: Allah Rakhio and Allah Dino through  
Mr. Muhammad Ayoub, Advocate.

Respondent: The State through Mr. Neel Parkash,  
Deputy Prosecutor General, Sindh a/w I.O.

Complainant: Shrimati Jumoon (present in person).  
Through Mr. Afzal Kaim Virk.

Date of hearing: **19.08.2025**

Date of Order: **19.08.2025**

**O R D E R.**

**AMJAD ALI SAHITO, J:-** Through this bail application, the applicants/accused above named seek their pre-arrest bail in Crime No.04 of 2025, under sections 376, 506, 34 P.P.C, R/W Section 03 of TIP Act 2018, registered at P.S Dano Dhandhal, after their bail plea was declined by the learned Additional Sessions Judge-I, Tharparkar At Mithi.

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

3. Learned counsel for the applicants/accused has contended that the applicants are innocent and have been falsely implicated in the instant case with mala fide intent. It is submitted that the FIR was lodged after an unexplained and inordinate delay of two days, which casts serious doubt on the veracity of the allegations. Learned counsel further submits that the complainant is allegedly keeping a suspicious woman at her residence, who is involved in illicit relations with strangers frequently visiting the house. Members of the Kolhi community raised concerns about this, upon which the

applicants/accused advised the complainant to improve her conduct. However, she became annoyed and falsely implicated the applicants/accused in the present case by levelling baseless allegations. Learned counsel maintains that the complainant implicated the applicants/accused with ulterior motives, and as such, the applicants are entitled to the concession of pre-arrest bail.

4. On the other hand, Mr. Afzal Karim Virk filed Vakalatnama on behalf of the complainant and vehemently opposed to the grant of bail and argued that the applicants/accused are specifically nominated in the FIR and they are not entitled for the concession of bail.

5. Learned D.P.G also supported the contentions of the learned counsel for the complainant and argued that the applicants/accused have committed heinous offence and not entitled for the concession of bail and opposed for grant of bail.

6. Heard and perused.

7. From the perusal of the record, it transpires that on the date of incident, i.e., 19.02.2025, at about 05:00 P.M., the complainant, Mst. Jumoon, proceeded towards the jungle, situated at a distance of approximately half a kilometer from her residence, for the purpose of collecting firewood. At that juncture, both applicants/accused, namely Allah Rakhio and Allah Dino, appeared at the place of occurrence, restrained the complainant, and subjected her to forcible sexual assault. Subsequent to the registration of FIR, the statement of the victim under Section 161 Cr.P.C. was recorded, wherein she specifically implicated both applicants/accused for committing forcible zina with her. The victim is present before the Court and affirms the contents of the FIR in her testimony.

8. The offence with which the applicants stand charged fall within the prohibitory clause of Section 497 Cr.P.C. Furthermore, no ill-will or malafide is alleged against the complainant party by the applicants even otherwise they have shown in F.I.R with specific role. In

this regard, I am fortified with the case law of Hon'ble Supreme Court of Pakis [2019 S CMR 1129] wherein the Hon'ble Supreme Court of Pakistan has held as under:

*"Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation..... the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law."*

9. At bail stage, only tentative assessment is to be made. Sufficient material is available on the record to connect the applicants with the commission of alleged offence. From the contents of the FIR, it is apparent that the alleged offence is of a heinous nature where the applicants/accused committed Zina-bil-Jabbar.

10. The learned counsel for the applicants has failed to establish the case to the extent of the applicants/accused warranting the confirmation of interim pre-arrest bail. Accordingly, the interim bail already granted to the applicants/accused is hereby **dismissed**. The interim bail granted to the applicants vide order dated **21.05.2025** is hereby **recalled**.

11. 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 applicants on merits.

JUDGE