

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-758 of 2025

Applicant : Imtiaz Ali son of Hakim Ali by caste Mirasi
Through Syed Ali Murtaza Shah Advocate

Complainant : Mst. Shabnam Khatoon w/o Nadeem
Through Mr. Bakhtiar Ahmed, Advocate

The State : Through Mr. Khalil Ahmed Maitlo, Deputy
Prosecutor General

Date of hearing : 15.09.2025
Dated of order : 15.09.2025

ORDER

KHALID HUSSAIN SHAHANI, J.--- Applicant Imtiaz Ali seeks post arrest bail in case/crime No.126 of 2023, for offences under Sections 302, 370, 374, 328-A, 506, 171, 311, 376(3) PPC and section 3, 14 of Sindh Prohibition of Employment of Children Act, 2017. The case after submission of challan and transfer from the Anti-Terrorism Court in terms of Section 23-A of the ATA 1997, is pending trial before the learned IVth Additional Sessions Judge, Khairpur.

2. The factual matrix of the prosecution's case, as articulated in the FIR is that on August 16, 2023, the complainant Mst. Shabnam Khatoon reported the death of her minor daughter, Fatima alias Saya, aged about nine years. The deceased was engaged as a domestic helper at the residence of co-accused Syed Asadullah Ali Shah and his wife, Bibi Hina Shah. On August 14, 2023, the complainant was informed of her daughter's demises. Upon reaching the scene, she observed multiple injuries on the deceased's body. The FIR was lodged after the complainant viewed CCTV footage of an incident that purportedly caused her daughter's death.

3. Learned counsel for the applicant mainly contended that co-accused Syed Asadullah Ali Shah and two others have been granted post arrest

bail by this Court vide order dated 13.08.2025 and case of applicant is on better footing to that of co-accused, who have been granted post arrest bail as the allegation against the applicant is to the extent that he being compounder imposing to be medical officer supplied the medical assistance to deceased Fatima @ Saya and such allegation at most falls for offence u/s 171 PPC, which is punishable up to three months and admittedly the applicant has remained in custody continuously for about two years, hence he is entitled for the concession of bail on the rule of consistency.

4. Mr. Bakhtiar Ahmed Advocate files power along with statement at bar on behalf of complainant, which is taken on record.

5. Learned DPG for the State assisted by learned counsel for the complainant recorded no objection for grant of bail to the applicant.

6. Admittedly, the allegation against the applicant is that he being compounder imposing to be a doctor supplied the medical assistance to deceased Fatima @ Saya and such allegation at most falls u/s 171 PPC, which is punishable up to three months. Co-accused Syed Asadullah Ali Shah and two others have already been granted post arrest bail and case of applicant stands on better footing to that of co-accused; therefore, he is entitled for the grant of bail as per rule of consistency. Moreover, the legal heirs' no objection affidavits though not decisive in non-compoundable offence, reflect absence of hostility and lessen the risks of obstruction to justice. Couple with the applicant's prolong pre-trial detention, the unlikelihood of an early conclusion of the trial and the constitutional guarantees of liberty and fair trial under Article 9 & 10-A, further incarceration would serve no legitimate purpose and amount to punitive deprivation of liberty while the presumption of innocence still prevails.

7. In view of above, prima facie applicant has succeeded to make out case for further inquiry. Accordingly, the instant Cr. Bail Application is allowed, consequently the applicant is admitted to post arrest bail subject to furnishing his solvent surety in the sum of Rs.500,000/- (Rupees Five Hundred Thousand) and a personal recognize bonds in the like amount to the satisfaction of the trial Court, on the following conditions; (i) he shall not leave the jurisdiction of the trial Court without prior permission; (ii) he shall not, directly or indirectly contact, influence, induce, or tamper with any prosecution witness or evidence; (iii) he shall ensure regular attendance at all trial proceedings unless exempted by the Court; and (iv) he shall surrender his passport, if any, to the trial Court forthwith. Any violation of these conditions or misuse of the concession of bail shall entail cancellation of this order in accordance with law. The observation made above are tentative in nature and shall not affect the case of either party.

J U D G E