

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Appln. No. S-367 of 2025

Applicant : Mumtaz @ Mumtaz Ali Khoso  
Through Mr. Riaz Hussain  
Khoso, advocate

Complainant Mst. Naziran  
Through Mr. Razi Khan  
Chandio, advocate

The State : Through Mr. Nazeer Ahmed  
Bhangwar, D.P.G for the  
State

Date of hearing 15-09-2025  
Date of order 15-09-2025

**ORDER**

**SHAMSUDDINABBASI, J.-** Through the instant criminal bail application, the applicant/accused Mumtaz @ Mumtaz Ali seeks pre-arrest bail in Crime No. 33/2025 of P.S. Bahram, registered under Sections 376(ii), 511, 354, 449, 34 P.P.C, after rejection of his bail plea by the learned trial Court vide order dated 03.07.2025.

2. It is alleged in the F.I.R that applicant along with one unidentified accused person entered into the house of complainant and attempted to commit rape with her, her clothes were torn and on her hue and cry the P.Ws attracted towards the scene of offence, thereafter the applicant fled away from the scene of offence.

3. Learned counsel for applicant submits that applicant is tapedar in Revenue Department and has been falsely implicated in this case due to malafide intention and ulterior motives; that there is no medical evidence against the applicant; that there is delay of two days in lodging of F.I.R without plausible explanation. He requests for confirmation of interim pre-arrest bail.

4. Learned D.P.G assisted by learned counsel for complainant opposed for grant of bail on the ground that applicant is nominated in the F.I.R with specific role of attempt to commit rape with the

complainant; that the applicant has failed to make out his case for grant of extra ordinary relief.

5. Heard learned counsel for applicant, counsel for complainant, learned D.P.G and perused the material available on record.

6. On tentative assessment of material available on record, it appears that applicant is nominated in the F.I.R with specific role that he attempted to commit rape with the complainant and clothes of victim were torn. P.Ws have supported the version of complainant in their statements U/S 161 Cr.P.C. During investigation, I.O has collected torn clothes of the complainant/victim. The alleged offence comes within the ambit of prohibitory clause of Section 497 Cr.P.C. The applicant seeks pre-arrest bail, which is extra ordinary relief. Honourable Apex Court has settled pre requisite condition for grant of pre arrest bail on the point of malafide on the part of complainant/ prosecution which is lacking in the present case. Reliance is placed on the case of ***Haji Shah Behram v. the State (2021 SCMR 1983) and Ghulam Qadir v. the State (2022 SCMR 750)***. No case for grant of interim pre-arrest bail has been made out, the applicant has failed to point out any malafide on the part of the complainant to falsely implicate him in the alleged offence, which comes within the ambit of prohibitory clause of Section 497 Cr.P.C. Accordingly, instant bail application is dismissed. Interim order passed earlier is hereby recalled.

7. Needless to mention that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.

**J U D G E**

Abdul Salam/P.A