

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS
Crl. Bail Application No.S-51 of 2026

Applicant: Arif s/o Yaqoob
Through Mr. Sikander Ali Kolachi, , Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Complainant: Mst. Rani d/o Abdul Rehman, in person.

Date of hearing: 04.03.2026

Date of Order: 04.03.2026

ORDER

Miran Muhammad Shah, J: Through this Order, I intend to dispose of above-mentioned bail application, whereby the applicant/ accused seek post arrest bail in F.I.R No.70/ 2025 for offence punishable under sections 376, 511, 354, 337-A(i), 337-F(i), 34 PPC of PS Kunri, after rejection of his bail plea by the learned Additional Sessions Judge-I, Umerkot, vide Order dated 19-11-2025.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Learned counsel for the applicant contends that the applicant is innocent and he has been falsely implicated in this case with malafide intention and ulterior motives; that the FIR is delayed by 07 days without any plausible explanation; that there is conflict in the application under section 22-A and B Cr.P.C and FIR, which makes the case of the applicant as one of further inquiry. Lastly he prayed for the grant of bail to the applicant. In support of his contentions, he has relied upon case law i.e. 2017 SCMR 366, 2016 SCMR 2176, 2011 P Cr. L J 990 and 2013 MLD 1115.

4. The learned D.P.G, assisted by the complainant, has vehemently opposed for the grant of bail to the applicant while arguing that the applicant is nominated in the F.I.R with specific role; that alleged offence falls under the prohibitory clause of

section 497 Cr.P.C; that the alleged offence is against the society. Lastly he prayed for the dismissal of instant bail application.

5. I have heard learned counsel for the applicant/ accused, learned D.P.G, who has been assisted by the complainant and perused the material available on record. Per F.I.R alleged incident was taken on 23-04-2025 when attempt to commit Zina with the complainant lady was made by co-accused Umed Ali (who is not applicant in this bail application). As per complainant/ victim she continuously remained under threat of the applicant and co-accused and as per contents of the F.I.R in furtherance of common intention, co-accused Umed Ali alongwith present applicant dragged the complainant lady inside the house of co-accused Umed Ali and co-accused tried to commit rape with her. Record shows that though the present applicant/ accused was initially not participating in the crime but later on he also entered in the room and tried to commit rape and tortured her. Though complainant has given different versions in her application under section 22-A and B Cr.P.C and at the time of recording of her statement under section 164 Cr.P.C, however, it is continuous allegation that the offence was committed with her. Since F.I.R is the main piece of evidence, against the crime committed, at the bail stage, hence such piece of evidence is to be relied upon. From the contents of the story, it is crystal clear that a single lady (complainant) living in the neighborhood of the accused, who remained honourable in the eyes of the women folks, has been victimized because of the role played by each accused. Such cases are dealt with strictly and without giving any opportunity on circumstances and technicalities. The presence of the applicant alongwith co-accused at the spot and later-on at the scene of the crime i.e. room, is categorically mentioned in the F.I.R. Clear intention to commit rape with the complainant lady is apparent from the record. In such circumstances, the applicant /accused has not made out a case for the grant of bail; hence instant bail application is hereby dismissed. However, since the case has been ripe up for trial, therefore, learned trial Court is directed to conclude the trial after recording evidence of the victim lady/ complainant and other material witnesses within a period of two months.

6. Needless to mention here that the facts of the case law(s) relied upon by learned counsel for the applicant are distinguishable from the facts of the case in hand. The observations made in this decision are of a tentative nature and will not influence the merits of the case.

The instant bail application is disposed of accordingly.

JUDGE

Saleem