

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

CrI. Bail Application No.S-33 of 2026

Applicant: Akram s/o Kalal
Through Mr. Dilber Khan Laghari, Advocate

Complainant: Muhammad Hanif s/o Muhammad Khan
Through Abdul Hafeez Mari, advocate along
with alleged victim Rozina

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

Date of Hearing: 25.02.2026

Date of Order: 25.02.2026

ORDER

Miran Muhammad Shah, J: Through this Bail Application, the applicant/accused Akram s/o Kalal seeks post-arrest bail in Crime No.35/2025 for offence under sections 365-B, 458, 34 P.P.C of P.S Nau Abad, after dismissal of his bail plea by learned Additional Sessions Judge, Khipro vide order dated 05.11.2025.

2. Learned counsel for the applicant contends that applicant/accused is innocent and has been falsely implicated in the present case due to matrimonial dispute with complainant party; that the FIR is delayed for about 05 days and no plausible explanation is given by the complainant for such delay; that the alleged abductee contracted marriage with her own accord with co-accused Sikander and complainant well knowingly about the marriage of his sister, falsely implicated applicant/accused in this case, only to put pressure upon the applicant/accused; that the victim lady filed C.P No.D-5274/2025 before High Court of Sindh at Karachi in favour of applicant/accused as well as co-accused, hence case requires further inquiry. He prays for grant of bail to applicant/accused.

3. Learned D.P.G, assisted by learned counsel for complainant opposed the grant of bail to applicant/accused on the ground that sufficient material is available on record to connect the applicant/accused with the alleged offence.

4. After hearing the arguments of learned counsel for applicant/accused, learned counsel for complainant as well as learned D.P.G, I have observed that as per the contents of the F.I.R, the main allegation is against the co-accused of this case, who allegedly, alongwith applicant/accused,

committed zina with the victim. Despite the free-will affidavit and Nikahnama, the statement given by the victim before Honourable High Court of Sindh at Karachi wherein she mentions that she was not kidnapped and was willing to live with the co-accused.

5. The Honourable High Court's order dated 28.10.2025 clearly reflects that the victim, in her statement under Section 164 Cr.P.C as well as in her statement before the Honourable High Court, has nowhere mentioned the name of the present applicant/accused as one of the accused who committed the offence. The only allegation against the present applicant/accused is that he accompanied the main accused Sikander Ali and entered the house for the purpose of kidnapping victim from house of the complainant. Throughout the series of incidents, no role of the present applicant/accused is described. Even later on, Section 376 P.P.C was also added, based on the medical report, which states that two persons committed the offence under Section 376 P.P.C. The name of the present applicant/accused is not mentioned therein, nor was any medical examination of the applicant/accused conducted to ascertain whether he committed the offence. Mere presence in the case of incident is no ground to keep the applicant/accused behind bars.

6. In such circumstances, I am of the opinion that the applicant/accused has made out his case for further enquiry, therefore, he is granted post-arrest bail, subject to furnishing a solvent surety in the sum of Rs.1,00,000/- (Rupees one lac only) and PR Bond in the like amount to the satisfaction of Trial Court.

7. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

The Crl. Bail Application stands disposed of.

JUDGE