

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-426 of 2026

[Muhammad Khan vs. The State]

Applicant by : Mr. Zahid Ali Khoso advocate
Complainant by : Mr. Aijaz Ali Lakho advocate
State by : Ms. Rameshan Oad D.P.G
Date of Hearing : **25.05.2026**
Date of Decision : **25.05.2026**

ORDER

SYED FIAZ-UL-HASSAN SHAH, J:- The applicant has been booked in Crime No.33 of 2025 registered under Section 365-B, 364-A and 34 PPC at P.S Butho Forest with the allegation that applicant alongwith co-accused kidnaped the wife of complainant and detained her at unknown place and committed assault.

2. Learned counsel for the applicant contends that present applicant is not nominated in FIR nor any role has been assigned to him either in FIR or even in 164 Cr.P.C statement of alleged victim lady Mst. Humaira Khatoon. He further contends that applicant was malafidely arrested at the behest of complainant and then his name was inserted in challan.

3. On the other hand learned DPG, duly assisted by the complainant counsel, states that although the name of present application is not mentioned in FIR but being brother of co-accused he also associated and supported the accused in the kidnapping of the victim lady. She, however, concedes neither the name of present applicant transpires in FIR nor in statement of victim lady recorded under Section 164 Cr.P.C

4. Arguments heard and record perused.

5. It appears from the record that FIR was lodged with the allegation that accused Ali Khan, Baharo Chandio, Ghazi and Abdul Sattar kidnaped the

victim lady Mst. Humaira Khatoon and committed rape with her. However, neither the name of present applicant is mentioned in FIR nor any role has been attributed to him or even the name of present applicant is not mentioned in statement of victim lady recorded under Section 164 Cr.P.C. It also appears that FIR was lodged with the delay of one day and the complainant is relative of applicant/accused and he has not even implicated the present applicant while recording his statement under Section 161 Cr.P.C before the Investigation Officer. Investigation Officer present states that there is nothing against the present applicant and he will verify the alleged nikahnama between Mst. Humaira Khatoon and co-accused Ali Khan from the concerned Union Council and will also examine the witnesses of alleged nikah.

6. In view of the above discussion, the case of present applicant/accused falls within the ambit of further inquiry. Accordingly, present bail application is allowed and the applicant/accused admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- and P.R Bond in the like amount to the satisfaction of learned trial Court. Applicant is directed cooperate in the investigation and/or join the trial, as the case may be.

7. Needless to mention here that observations made hereinabove are tentative in nature and the trial Court shall not be influenced while deciding the case on merit.

JUDGE