

## IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 3002 of 2025

**Applicant:** Faizan son of Farhat Ali through Ms. Naheed Aziz Shahid, Advocate.

**Respondent:** The State through Mr. Muhammad Noonari, Deputy Prosecutor General Sindh.

**Date of hearing:** 19.03.2026

**Date of order:** 19.03.2026.

### ORDER

**TASNEEM SULTANA, J :-** Through this Criminal Bail Application, applicant Faizan seeks post-arrest bail arising out of FIR No.1341 of 2025, registered at Police Station Surjani Town, Karachi, for offences under Sections 376/511 PPC. The applicant earlier filed Criminal Bail Application No.5392 of 2025 before the learned Xth Additional Sessions Judge, West Karachi, which was dismissed vide order dated 22.10.2025; hence, this application for same concession.

2. Brief facts of prosecution case are that the complainant Mst Roshan Ara resident of House No. L/341, Sector -8 Surjani Town, Karachi, reported that on 12.10.2025 at about 0100 hours, while she was residing at the said house along with her husband and children and had been staying for the last two and half months with her daughter at Abdullah Flat, Surjani Town, her daughter Kashaf aged about 14 years, informed her that at about midnight the accused Faizan, who is a relative, came to her house on the pretext of giving money to her father, during the said time, while she was sleeping back side posture, the applicant \accused Faizan committed a wrongful act by removing her shalwar and inserting his finger into the private part, causing pain, and threatened the victim not to disclose the incident. The matter was later reported to the police, and FIR was registered leading to the above facts.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case due to family dispute and ulterior motives; that there are material contradictions in the prosecution story, that there is no independent witness of the alleged occurrence and the case entirely rests upon interested testimony; that the

medical evidence is not in consonance with the allegations levelled in the FIR, as the allegation pertains to insertion of finger whereas the medical report suggests otherwise, thus calling for further inquiry within the meaning of Section 497(2) Cr.P.C; and that the applicant is behind bars and is no more required for investigation, therefore, he is entitled to the concession of bail.

4. Conversely, learned Deputy Prosecutor General opposed the bail application and contended that the applicant is specifically nominated in the FIR with a definite and active role; that the allegations against the applicant pertain to a serious offence involving a minor victim; that the statements of the victim recorded under Sections 161 and 164 Cr.P.C support the prosecution case, the latter having been recorded before the learned Magistrate and carrying its own sanctity at this stage; that the medical evidence prima facie corroborates the prosecution case; and that the offence falls within the prohibitory clause of Section 497 Cr.P.C, therefore, the applicant is not entitled to the concession of bail as the material available on record prima facie connects him with the commission of the alleged offence.

5. Heard. Record perused.

6. The record reflects that the applicant has been nominated in the FIR with a specific role. The statements of the victim recorded under Sections 161 and 164 Cr.P.C., are consistent and support the prosecution case; more particularly, the statement under Section 164 Cr.P.C, has been recorded before a Magistrate and carries its own sanctity at this stage. The medical evidence also prima facie corroborates the ocular account. Perusal of the medico-legal certificate reflects that the hymen of the victim was partially ruptured, and the posterior wall of the vagina was found reddish and tender. Moreover, the clinical opinion indicates that the victim was subjected to sexual assault. At this stage, such medical evidence cannot be ignored, prima-facie it lends support to the version of the prosecution and connects the applicant with the alleged offence.

7. The applicant has failed to point out any reason as to why the complainant would falsely involve him in such a case, thereby exposing her young daughter (the victim) to social stigma. No material has been placed on record to suggest any enmity or ulterior motive which could justify false implication in a matter of such serious nature. It is settled law that in

offences of this nature, the testimony of the victim carries great evidentiary value, and minor discrepancies, if any, are to be examined at the time of trial.

8. The allegations against the applicant are of a serious nature involving a minor victim and fall within the prohibitory clause of Section 497 Cr.P.C. The offence alleged is not only against an individual but also against societal norms, therefore, the concession of bail is not to be extended as a matter of course. At this stage, only a tentative assessment of the material is required, and deeper appreciation of evidence is not permissible. The pleas raised by learned counsel for the applicant, including denial of the occurrence and false implication, are matters of evidence which require recording of evidence and cannot be adjudicated upon at this stage.

9. In view of the above facts and circumstances, prima facie, there are reasonable grounds to believe that the applicant is connected with the commission of the alleged offence, and no case of further inquiry within the meaning of Section 497(2) Cr.P.C has been made out. Consequently, the applicant is not entitled to the concession of post-arrest bail; the instant bail application stands dismissed.

**JUDGE**

Nadeem