

IN THE HIGH COURT OF SINDH AT KARACHI**Cr. Bail Application No.2017 of 2025**

Applicant: Muhammad Ejaz through Mr. Mushtaq Ahmed Joyia, Advocate

Respondents: The State through Mr. Muhammad Nooran, DPG Sindh

Date of hearing: 04.02.2026

Date of order: 04.02.2026

ORDER

TASNEEM SULTANA, J.— Through this Criminal Bail Application, the applicant Muhammad Ejaz seeks post-arrest bail in FIR No. 773 of 2025 registered at Police Station Surjani Town, Karachi for offences under Sections 376/511 P.P.C. Earlier, his Bail Application No.3329 of 2025 was declined by the learned Xth Additional Sessions Judge, Karachi West vide order dated 17.07.2025; hence, this application for the same concession.

2. Brief facts of the prosecution case are that the complainant is residing with her husband and her daughter namely Erun aged about 17 years, from her previous husband Fayyaz Hussain, was also living with her. It is alleged that on 02-06-2025 complainant had gone to Punjab and returned home on 06-06-2025, whereupon she noticed her daughter to be disturbed, though at that time she did not disclose the reason. Subsequently, her daughter disclosed that on 04-06-2025, at about 12,30 a.m., during absence of the complainant, her stepfather (applicant) forcibly removed her cloth and attempted to commit zina by touching her body. Thereafter upon being informed by her daughter, the complainant contacted the police through emergency helpline '15' and, with the assistance of Madadgar, produced the applicant before the police, whereafter the present case was registered.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case; that the prosecution case is based upon subsequent disclosure allegedly made by the victim to the complainant without any independent corroboration; that the statement of the victim under Section 164 Cr. P.C. has not been recorded;

that even her statement under Section 161 Cr.P.C. has not been recorded; that the applicant was not apprehended at the spot but was produced before the police by the complainant; that there exists prior dispute and strained relations between the parties; that the complainant has shifted to Punjab after the arrest of the applicant; and that the case, in the circumstances, falls within the ambit of further inquiry under Section 497(2) Cr.P.C. He lastly prayed for grant of post-arrest bail to the applicant.

4. Conversely, learned Deputy Prosecutor General opposed the application and contended that the applicant is nominated in the FIR with specific allegation; that the offence alleged is serious in nature; that the relationship between the parties does not absolve the applicant of his criminal liability; and that the case does not fall within the ambit of further inquiry; he therefore prayed for dismissal of the bail application.

5. Heard. Record perused.

6. The allegations against the applicant are that he attempted to commit zina with his stepdaughter, however, at tentative assessment, the material collected during investigation, in its present form, does not prima facie furnish independent corroboration to the prosecution case. The record reflects that the complainant, upon being informed of the alleged occurrence, contacted the police through emergency helpline '15' and, with the assistance of Madadgar, produced the applicant before the police. It further appears that the statement of the victim under Section 161 or 164 Cr.P.C. has not been recorded, which at this stage affects the evidentiary worth of the prosecution version. The material available on record also reflects that the parties were not on cordial terms and that dispute between them existed prior to the occurrence, while the conduct of the complainant, who after the arrest of the applicant has shifted to Punjab and has not been responding to the Investigating Officer, also requires consideration. In these circumstances, the defence plea and the surrounding facts give rise to questions which cannot be resolved without recording evidence and thus call for deeper examination at trial; therefore, the case, in its present form, falls within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C.

7. In view of the above facts and circumstances, the applicant has made out a case for grant of post-arrest bail; accordingly, the instant bail application is allowed and the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two

Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

8. It is clarified that observations made herein above are tentative in nature and shall not prejudice the case of either side at the trial.

The above are reasons of my short order dated 04-02-2025.

JUDGE

Nadeem