

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 846 of 2026

Applicant: Ali Hamza son of Khalid Hussain, bycaste Mangi, Resident of Mohalla Waritar Road near Municipal Dispensary, Sukkur **through** Mr. Ayaz Ali Shaikh, advocate.

The State **Through** Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General, Sindh.

Date of hearing & Orders: 21-09-2026.

ORDER.

Suresh Kumar, J--- Through the instant bail application, the applicant named above seeks confirmation of the ad-interim pre-arrest bail already granted to him by this Court vide order dated 04-09-2026, in a case bearing crime No. 273/2026, offence u/s 365-B and 375-B PPC registered at Police Station C-Section, Sukkur.

2. The facts of the prosecution case, as depicted in the FIR, are as follows: Complainant Abdul Manan lodged the FIR on 11-08-2026, alleging that on 10-08-2026, he and his son, Muhammad Adnan Mangi, were on their way to school to drop off his daughter, Shifa. At approximately 08:00 hours, when they arrived in front of the school, they saw and identified the accused Hasnain, Hamza, Kazim Hussain @ Kagan, and two unidentified persons—armed with pistols, who pointed their weapons at the complainant's party. Accused Hasnain Mangi then forcibly dragged Shifa, the complainant's daughter, and set her in a car, abducting her with the intention to commit rape. Ultimately, the complainant went to the police station and lodged the aforementioned FIR.

3. The applicant initially sought pre-arrest bail from the Court of the learned IInd Additional Sessions Judge/ (GBVC) Sukkur, which was dismissed vide order dated 25-08-2026. Being aggrieved by this dismissal, the applicant has approached this Court.

4. I have heard the learned counsel appearing on behalf of the applicant/accused and learned DPG for the State.

5. Having given due consideration to the arguments advanced by the counsel for the respective parties and having perused the relevant

material, it is revealed from the perusal of the FIR that there are allegations of abduction and rape for which Sections 365-B and 376-B of the Pakistan Penal Code (PPC) are applied. The learned counsel appearing on behalf of the applicant has primarily contended that the alleged abductee appeared before a Single Bench of this Court and stated that she, being sui juris, has contracted marriage with co-accused Hasnain of her own accord and free will. Furthermore, she claims that her father has lodged a false FIR against the accused solely to exert pressure upon them. Admittedly, the order dated 12-08-2026 passed by this Court, along with the free will affidavit and Nikahnama of the alleged abductee, are attached to the bail application. From the perusal of the available record, it is evident that the alleged abductee has not supported the version of the complainant regarding the abduction and asserts that she has contracted marriage with co-accused Hasnain of her own free will and accord. Therefore, there is no reasonable ground to believe that the applicant has committed the alleged offense; hence, the case falls within the ambit of further inquiry as enshrined in Section 497(2) of the Code of Criminal Procedure (Cr.P.C.). The complainant is present in person and has raised no objection to the confirmation of bail. The applicant has been appearing before the trial court as well as this Court after being granted interim pre-arrest bail and has not misused the concession of bail. It is apparent that there is a dispute regarding the marriage of the alleged abductee with co-accused Hasnain, who is the real brother of the applicant; therefore, malafide intention on the part of the complainant cannot be ruled out.

6. For the foregoing reasons, I am of considered view that the applicant/accused has successfully made out a case for the grant of pre-arrest bail, therefore, the interim pre arrest bail already granted to him on 04-09-2026, is hereby confirmed on same terms and conditions with direction to appear before trial Court.

7. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

J U D G E