

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 827 of 2026

Applicant: Kazim Hussain @ Gagan son of Khalid Hussain, bycaste Mangi (Now confined at Central Prison-I 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 post arrest bail, in a case bearing crime No. 273/2026, offence u/s 365-B, 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 post-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 for grant of bail to the applicant/accused.

6. For the foregoing reasons, I am of considered view that the applicant/accused has successfully made out a case for the grant of bail, therefore, he is granted 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.

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