

## IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Bail Application No.2019 of 2026

Applicant : Mst. Nadia Saeed through Atif Hanif Kashmiri,  
Advocate.

Respondent : The State through Mr. Qameruddin Nohri, D.P.G.

Date of Hearing : 12.10.2026.

Date of Order : 12.10.2026.

### **O R D E R**

**TASNEEM SULTANA, J.**— Through this Criminal Bail Application, applicant Mst. Nadia Saeed seeks post-arrest bail in Crime No.115 of 2026, registered at Police Station Mehmoodabad, Karachi, for offences under Sections 382, 337-J and 34, P.P.C. Her earlier application for the same relief was dismissed by the learned Additional Sessions Judge-II, Karachi South, vide order dated 29.04.2026.

2. The detailed facts of the prosecution case are already set out in the F.I.R. and the bail application and, therefore, need not be reproduced here.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated with ulterior motive; that the alleged occurrence took place on 24.03.2026, whereas the accused persons were apprehended on 11.04.2026, and the delay in reporting the matter has not been satisfactorily explained; that the applicant was previously unknown to the complainant party, yet no identification parade was conducted before a Magistrate; that the alleged recovery of gold earrings has been foisted upon the applicant and no reliable material is available to establish her participation in the occurrence; that the applicant was called to the police station on the pretext that her son had met with an accident, where she was detained and subsequently implicated in the case; that the applicant is a woman, has remained in custody since 11.04.2026, and is no longer required for investigation; and that co-accused Mst. Mehwish has already been admitted to post-arrest bail by the learned trial Court vide order dated 29.08.2026. He, therefore, prays for grant of post-arrest bail.

4. Conversely, the learned Deputy Prosecutor General, Sindh, opposes the application and contends that the applicant was specifically identified by the victim as one of the persons involved in the occurrence; that two gold earrings

belonging to the victim were recovered from her possession at the time of arrest; that the stolen mobile phone was subsequently used by the accused persons and photographs linked with the complainant party's Gmail account were found during investigation, connecting the accused persons with the crime; and that sufficient incriminating material is available against the applicant and, therefore, she is not entitled to the concession of bail. They, accordingly, pray for dismissal of the application.

5. Heard. Record perused.

6. On a tentative assessment, it appears that the prosecution case against the applicant rests upon her identification by the victim, the alleged recovery of two gold earrings from her possession and the digital material concerning the stolen mobile phone. According to the prosecution, the applicant, along with her co-accused, participated in the occurrence in which the complainant's mother was allegedly administered an intoxicating substance and deprived of her mobile phone and gold ornaments. The recovery attributed to the applicant is a material incriminating circumstance which provides a tentative connection with the alleged occurrence. However, the evidentiary value of the recovery, including the identification of the ornaments as belonging to the victim, as well as the digital material relied upon by the prosecution, will have to be determined by the learned trial Court upon recording of evidence.

7. The record further reflects that the alleged occurrence took place on 24.03.2026, whereas the applicant and two co-accused were apprehended on 11.04.2026, when the victim allegedly identified them while travelling in a rickshaw. No identification parade before a Magistrate was conducted, although the accused persons were allegedly previously unknown to the victim. The absence of an identification parade is a relevant circumstance, but its effect cannot be considered in isolation from the other prosecution material, particularly the recovery attributed to the applicant. The circumstances surrounding the subsequent identification and the alleged recovery require examination during trial. These aspects are relevant to the tentative assessment of the prosecution case but do not call for any conclusive finding at this stage.

8. The case of the applicant requires consideration under the first proviso to Section 497(1), Cr.P.C., as she is a woman. Although the offence under Section 337-J, P.P.C., carries punishment extending to ten years and, therefore, falls within the prohibitory clause of Section 497(1), Cr.P.C., the first proviso empowers the Court to grant bail to a woman accused even in such cases. In *Tahira Batool v. The State* (PLD 2022 SC 764), the Honourable Supreme Court explained that the said proviso places a woman accused, for purposes of bail, on the same footing as an accused charged with an offence falling outside the prohibitory clause, where grant of bail is the rule and refusal an exception. This principle was

reiterated in *Mst. Ghazala v. The State and another* (2023 SCMR 887), wherein it was held that bail may be refused where there is likelihood of the accused absconding to escape trial, tampering with prosecution evidence or influencing witnesses, or repeating the offence, having regard to her previous criminal record, the nature of the offence and the manner in which it was allegedly committed. The existence of incriminating material connecting a woman accused with the alleged offence does not, by itself, constitute sufficient justification for refusing bail under the first proviso.

**9.** Applying these principles to the present case, the material relied upon by the prosecution has been taken into consideration, including the recovery attributed to the applicant. While such material provides a tentative connection with the alleged offence, it does not, by itself, establish any of the recognized exceptions justifying refusal of bail to a woman accused. The investigation has been completed, the challan submitted and the charge framed against the accused persons. No previous criminal record of the applicant has been brought on record, nor does the available material indicate that she is likely to abscond, interfere with prosecution evidence, influence witnesses or repeat the alleged offence if released on bail.

**10.** There is another aspect of the matter. Clause (a) of the second proviso to Section 497(1), Cr.P.C., provides that a woman accused of an offence not punishable with death shall be released on bail where she has remained in continuous detention for a period exceeding six months without conclusion of her trial, unless the delay is attributable to an act or omission on her part or on the part of anyone acting on her behalf, subject to the statutory exclusions contained in the succeeding proviso. In the present case, the applicant was arrested on 11.04.2026 and, according to the available record, has remained in judicial custody for more than six months. The trial proceedings show that the charge was framed on 28.08.2026, whereafter the matter was fixed for recording prosecution evidence. On 01.10.2026, the prosecution witnesses were absent and the case was adjourned to 21.10.2026. The available proceedings do not disclose any delay attributable to the applicant or anyone acting on her behalf. No material has been brought on record indicating that she falls within any of the statutory exclusions. Thus, apart from the concession available to her under the first proviso, the applicant's case also attracts the provision relating to prolonged detention.

**11.** In view of the above facts and circumstances, the applicant has succeeded in making out a case for grant of post-arrest bail. Accordingly, the instant Criminal Bail Application is allowed and applicant Mst. Nadia Saeed is admitted to post-arrest bail in Crime No.115 of 2026, registered at Police Station Mehmoodabad, Karachi, subject to furnishing solvent surety in the sum of

Rs.100,000/- (Rupees One Lac only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

**12.** The observations made herein are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

JUDGE