

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Criminal Bail Application No. 1942 of 2017

Date	Order with Signature of the Judge
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For hearing of bail application.

Heard on	:	12.03.2018
Decided on	:	.03.2018
For Applicants	:	Mr. Mohammad Akber Awan, Advocate.
For State	:	Deewan Bhuromal, D.D.P.P.

Mrs. Kausar Sultana Hussain, J.:- On dismissal of bail Application in Sessions Case No. 2006 of 2017, by the learned IIIrd Additional Sessions Judge, Karachi-South, vide order dated 07.12.2017, the applicants Muhammad Sohail and Mst. Sheeza Sohail have approached this Court, by filing instant bail application under Section 498 Cr.P.C, for interim pre-arrest bail in case FIR No. 222 of 2017, under Section 292, 511, 506-B PPC, registered at P.S. Tipu Sultan, Karachi.

2. Succinct prosecution story as narrated in the FIR is that on 19.11.2017 at 0045 hours complainant Kashif Ali lodged the FIR at Police Station Tipu Sultan, stating therein that he is residing at the above given address. Today, on 19.11.2017, at about 12.05 O'Clock in night, he was standing near general Store, during this reached outside House No. 18-J, Block-6, P.E.C.H.S, Karachi, and saw that his two mohalla people, namely, Iftikhar son of Ghulam Hussain and Mohammad Bashir son of Syed Muhammad were being taken for the purpose of prostitution in House No. 247, Block-6, P.E.C.H.S, Karachi. He apprehended the said person, who disclosed his name as Justin Saleem son of Saleem Masih. On his inquiry, he told that he used to provide customer for prostitution purpose at the illicit place of Aunty Rubi, whereas, several FIRs have been lodged against the said Aunty Rubi at concerned police Stations and Aunty Rubi have been severally arrested and released on bail alongwith her prostitute girls and customers. Meanwhile, accomplices of Justin Saleem, came there with arm and extended threats of dire consequences. Due to hue and cry several

persons gathered there, due to which the armed persons fled away. He took apprehended person to police Station and lodged the present FIR.

3. Learned counsel for the applicant/accused has informed that since applicant/accused No. 1/Muhammad Sohail has been expired, therefore, he is not pressing bail application to the extent of Muhammad Suhail and he undertakes to produce his death certificate on the next date of hearing and also produce the same before the learned trial Court. Per learned counsel for the applicant No.2 that the applicant/accused Mst. Sheeza Sohail is innocent and has falsely been implicated in this case by the complainant with malafide intention and ulterior motives; that complainant and accused persons are relatives and having family disputes due to which they have been falsely implicated; all offences are bailable except section 506-B PPC, which does not fall within the prohibitory clause of section 497 Cr.PC; that there is no direct or indirect evidence to connect the applicant/accused with the commission of alleged offence and he prayed for confirmation of interim pre-arrest bail, which was granted to the applicant/accused on 20.12.2017.

4. Learned D.D.P.P has vehemently opposed for the confirmation of interim pre-arrest bail granted earlier to the applicant/accused.

5. Having heard arguments of the learned counsel for the applicant/accused Mst. Sheeza and learned D.D.P.P at length, I have come to the conclusion that the offence under Section 292 P.P.C. allegedly committed by the accused/applicant No.2 Mrs. Sheeza Sohail is bailable, while the allegation under Section 506-B P.P.C. is not against the present applicant/accused No.2. The case of the prosecution against the accused/applicant No.2 is that she in her bungalow was running brothel and is involved in selling, hiring the persons with intent to use them for prostitution, unlawful and immoral purposes, therefore, the applicant/accused committed offence under Section 371-A PPC. In any case law never permits to register such cases under such offences on the basis of spy information or on the verbal complaints of any person and encourage as this practice would increase false reports

involving innocent men or women for ill designs. In the instant case, police or complainant did not recover any man or woman from the house of the accused/applicant present there for the purpose of unlawful and immoral activities, therefore, the matter of the accused/applicant requires further inquiry as sufficient material is not available to substantiate commission of crime. I, therefore, confirm the ad-interim order of pre-arrest bail passed by this Court vide order dated 20.12.2017 on same terms and conditions.

Bail application stands disposed of.

It needs not to iterate that the observations made hereinabove are tentative in nature and shall not affect the merits of the case.

J U D G E

Faheem Memon/PA