

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**  
Cr. Bail Application No.S-707 of 2017

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
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1. For orders on office objection.
2. For hearing.

13.04.2018.

*Mr. Meer Ahmed Mangrio, Advocate for applicant.*  
*Mr. Muhammad Asif Shaikh, Advocate for complainant.*  
*Mr. Shahid Ahmed Shaikh, D.P.G.*

**ORDER**

**SHAMSUDDIN ABBASI, J:-** Applicant / accused Abdul Shakoor seeks bail in Crime No.132 of 2017 registered at P.S Kotri under Section 302, 364, 201 PPC after his bail has been declined by the learned trial Court.

2. Brief facts of the case are that on 13.05.2017 Mst. Tahiran Begum lodged an FIR alleging therein that her son Muhammad Rashid was suspecting an illicit relationship of his wife Mst. Maryam with Shah Zaman Pelepoto and that Mst. Maryam left her house in anger. On 31.03.2017, Mst. Tahiran Begum (complainant) and her sons namely Muhammad Rashid, Muhammad Javed and Muhammad Hamid were present in their house, when at about 1000 hours, her sons on knocking opened the door and saw accused Shahzaman, Abdul Shakoor, Mst. Maryam, Mst. Javeria and two unknown persons present in white` colour car, who then forcibly took away Muhammad Rashid in the car, so also took away a rickshaw of Muhammad Rashid. On the same day, one unknown person informed the complainant party regarding the availability of Rickshaw at Taluka Hospital Kotri. Thereafter, the complainant party reached there, where they found Rickshaw of Muhammad Rashid available there but complainant's son Muhammad Rashid was not present, hence the complainant lodged the instant FIR under Section 364 PPC for abduction of her son Muhammad Rashid with intention to kill him.

3. During investigation the police recovered the dead body of deceased Muhammad Rashid from the Bungalow situated at Qasimabad and after usual investigation the police submitted challan under Section 302 PPC against accused Shahzaman, Abdul Shakoor, Mst. Maryam and Mst. Javeria.

3. Learned Counsel for the applicant submits that this is an un-witnessed incident and there is much delay in lodging of FIR and no plausible explanation has been furnished by the complainant regarding such delay and the motive not being against the applicant/accused. He further contended that bail has been granted to co-accused Mst. Maryam and Javeria on merits by this Court vide order dated 27.02.2018. He further contended that the complainant of this case has sworn an affidavit that she has entered into compromise with the present applicant and has raised her no objection for grant of bail.

3. Learned Counsel for the complainant is also present in Court and has raised no objection in view of the affidavit filed by the complainant being mother of deceased Muhammad Rashid.

4. Learned D.P.G has opposed to the grant of bail to the applicant on the ground that the applicant has been nominated in the FIR and he cannot be given concession of bail in the offence of heinous nature.

5. Heard learned Counsel for the applicant, learned Counsel for the complainant as well as learned D.P.G and perused the material available on the record.

6. It is an admitted fact that there is delay of one and half month in lodging of FIR to the extent that the incident had taken place on 31.03.2017, whereas, the FIR of the incident has been lodged by the complainant on 13.05.2017 and no plausible explanation has been furnished by the complainant in the FIR. It also appears that the incident is un-witnessed and at the most the evidence of last seen has been established by the prosecution which requires strong corroboration and that no strong evidence is available with the prosecution against the applicant / accused and from the tentative assessment of the case it appears that the case of the applicant / accused comes within the ambit of further inquiry in terms of Section 497(2) Cr.P.C and in view of the statement filed by the complainant (mother of the

deceased) wherein she has sworn an affidavit and has raised no objection to the grant of bail to the applicant and in view of the bail granted to co-accused Mst. Maryam and Mst. Javeria vide order dated 27.02.2018 passed by this Court, I hold that the applicant / accused deserves to be granted bail and according I admit the applicant / accused on bail in the sum of Rs.50,000/- (Rupees Fifty Thousand) and P.R Bond in the like amount to the satisfaction of the learned trial Court.

7. Needless to mention here that the observations made hereinabove are of tentative nature and shall have no influence upon the trial Court to decide the matter on merits.

The Bail Application stands disposed of.

JUDGE

Shahid