

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-722 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case.

19.08.2019.

Mr. Ali Nawaz Chandio, advocate along with applicants.
Ms. Safa Hisbani, A.P.G.
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Irshad Ali Shah J;- It is alleged that the applicants with rest of the culprits were found running brothel for that they were booked and reported upon.

2. The applicants on having been refused pre arrest bail by the learned 3rd Additional Sessions Judge, Hyderabad have sought for the same from this court by way of instant application under Section 498 Cr.P.C.

3. It is contended by the learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party in order to satisfy his dispute over issue of kids fights for that an entry was kept in Roznamcha at 15 Hyderabad Cant; Mst. Saba who was alleged to be used for prostitution has not been examined by the police under Section 161 Cr.P.C. By contending so, he sought for pre-arrest bail for the applicants on point of further enquiry and malafide. In support of his contention he has relied upon case of ***Ghazanfar Abbas vs the State (2009 P.Cr.L.J 1273)***.

4. Learned A.P.G for the State has opposed to grant of pre-arrest bail to the applicants by contending that they are fully responsible for running a brothel.

5. I have considered the above arguments and perused the record.

6. Mst. Saba who is alleged to have been purchased by the applicants and others to be used for prostitution has not been examined by the police u/s 161 Cr.P.C. She in deed has not been made as a witness of the incident by the police. In that situation the allegation of making purchase of the person for prostitution could hardly hold a field. The parties it is said are already disputed over the issue of kid fights. In these circumstances, the applicants are found entitled to grant of pre-arrest of bail on point of further enquiry and malafide.

7. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

8. The instant application is disposed of accordingly.

JUDGE