

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.B.A.No.S-931 of 2020

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

09.11.2020.

Mr. Ghulam Mustafa Hingorjo, Advocate for applicants.
Ms. Sobia Bhatti, A.P.G for the State.
Mr. Muhammad Hassan Chang, Advocate for the complainant.

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Irshad Ali Shah I:- It is alleged that the applicants with rest of the culprits after administering some intoxicant substance subjected Sht. Radha to rape, for that the present case was registered.

2. The applicants on having been refused post arrest bail by learned Additional Sessions Judge-I Tharparkar at Mithi have sought for the same from this court by way of instant application u/s 497 Cr.P.C.

3. It is contended by 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 its dispute with him; the FIR has been lodged with delay of about fourteen days and DNA report is not supporting the case of prosecution. By contending so, he sought for release of the applicants on bail on the point of further inquiry. In support of his contention he has relied upon cases of ***Miss. Nayab and 2 others vs The State (2011 YLR 789), Haibat Khan vs The State and***

others (2016 SCMR 2176) and Dr. Farrukh Sher Khan vs The State (2018 P.Cr.L.J Note 132).

4. Learned A.P.G. for the State has recorded no objection to grant of bail to the applicants. However, learned counsel for the complainant has opposed to grant of bail to the applicants by contending that they have actively participated in commission of incident.

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

6. The FIR of the incident has been lodged by the complainant / victim with the delay of about 14 days such delay having not been explained plausibly could not be overlooked. The DNA report is not supporting the case of prosecution and there is no allegation of rape against the applicants. Parties are said to be disputed already. The case has finally been challaned and there is no apprehension of tempering with the evidence on the part of applicants. In these circumstances, case for grant of bail to the applicants on point of further inquiry obviously is made out.

7. In view of above, the applicants are admitted to bail subject to their furnishing solvent surety in the sum Rs.50,000/- (rupees fifty thousand) each and PR bond in the like amount, to the satisfaction of the learned trial Court.

8. The instant bail application is disposed of accordingly.

JUDGE