

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.  
Cr.B.A.No.S-1097 of 2020

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

13.01.2021.

Mr. Hameedullah Dahri, Advocate for applicant.  
Ms. Sobia Bhatti, A.P.G for the State.  
Complainant in person.

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**Irshad Ali Shah J:-** It is alleged that the applicant with rest of the culprits in furtherance of their common intention abducted Mst.Uzma with intention to subject her to rape or to get her marry with co-accused Imran, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned 3<sup>rd</sup> Additional Sessions Judge, Shaheed Benazirabad has 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 applicant that the applicant being innocent has been involved in this case falsely by the complainant party; the FIR has been lodged with delay of about five days and alleged abductee has put her appearance before the police voluntarily. By contending so, he sought for release of the applicant on bail on the point of further inquiry. In support of his contention he has relied upon case of *Hazrat Amin vs The State and another* (2020 SCMR 418).

4. Learned A.P.G. for the State who is assisted by the complainant has opposed to the grant of bail to the applicant by contending that the applicant has actively participated in commission of incident by abducting Mst. Uzma.

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

6. The FIR of the incident has been lodged by the complainant with the delay of about 05 days; such delay having not been explained plausibly by the complainant could not be lost sight of. Mst. Uzma the alleged abductee has put her appearance before the police voluntarily, which appears to be surprising; she in her 164 Cr.P.C statement has not leveled the allegation of rape against the applicant or anyone else; she has not been subjected to medical examination; the case has finally been challaned and there is no apprehension of tempering with the evidence on the part of applicant. In these circumstances, case for grant of bail to the applicant on point of further inquiry obviously is made out.

7. In view of above, the applicant is admitted to bail subject to her furnishing solvent surety in the sum Rs.50,000/- 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**