

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.  
Cr.B.A.No.S-1049 of 2019

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

15.11.2019.

Mr. Farhad Ali Abro, Advocate for applicant.  
Ms. Rameshan Oad, A.P.G for the State.  
Ms. Nasira Shaikh, Advocate for the complainant.

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**Irshad Ali Shah J:-** It is alleged that the applicant with her son Bilal in furtherance of their common intention committed Qatl-e-Amd of Mst. Tanzila by pushing her to fall down on the ground from the roof, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned VIIIth Additional Sessions Judge, Hyderabad has sought for the same from this Court by way of instant application under section 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 in order to satisfy their grudge with her; Mst. Tanzila has committed suicide against the

behavior of her parents, who were going to marry her against her choice; the FIR has been lodged with delay of about one day and the role attributed to the applicant in commission of incident is only to the extent of instigation. By contending so, he sought for release of the applicant on bail on point of further enquiry.

4. Learned A.P.G. for the State and learned counsel for the complainant have opposed to the grant of bail to the applicant by contending that she has actively participated in commission of incident by instigating her son co-accused Bilal to commit the alleged incident, as such, she is liable for the same on point of vicarious liability.

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

6. The FIR of the incident has been lodged with delay of about one day and the role attributed to the applicant in commission of incident is only to the extent of instigation. Whether, the applicant actually participated in commission of incident, such fact requires its determination at trial. In that situation, it is rightly being contended by learned counsel for the applicant that

the applicant is entitled to be released on bail on point of further enquiry.

7. In view of above, the applicant is admitted to bail subject to her furnishing solvent surety in the sum Rs.200,000/-(rupees two hundred thousand) and PR bond in the like amount, to the satisfaction of the learned trial Court.

The instant bail application is disposed of accordingly.

**JUDGE**

Ahmed/Pa,