

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-825 of 2021

Applicant : Muhammad Nawaz Son of Zahro Khan, through Mr. Fakhur Din Dahraj, Advocate.

Respondent : The State through Ms. Rameshan Oad, Assistant Prosecutor General, Sindh.

Complainant : Ali Bux Son of Bago through Mr. Zahid Ali Khoso Advocate.

Date of hearing : **15.11.2021**
Date of Order : **15.11.2021**

O R D E R

AMJAD ALI SAHITO, J:- Through the instant bail application, the applicant/accused above named seeks his post-arrest bail in Crime No.05 of 2021, under section 376 P.P.C, registered at P.S Thareri Jado Dadu, after his bail plea was declined by the learned Additional Sessions Judge-IV, Dadu vide order dated 07.09.2021.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Per learned counsel the applicant/accused is innocent as there was Zuhar Namaz time people were likely to be available in the Mosque but out of them no one witnessed in the matter, as such, applicant/accused has falsely been implicated in this case. Lastly, he prayed for grant of bail to the applicant/accused.

4. On the other hand, learned counsel for the complainant as well as Assistant Prosecutor General, Sindh vehemently opposed for grant of bail to the applicant/accused.

5. I have heard learned counsel for the applicant as well as Assistant Prosecutor General, Sindh and counsel for the complainant having also gone through the material available on record.

6. No doubt the name of the applicant/accused transpires in the F.I.R with specific role that on the day of incident he has committed Zina with mentally disabled girl namely Nazeeran and such F.I.R had lodged by father of the victim. No enmity or ill-will has been pointed out by the learned counsel for false implication of the applicant in this case. The PWs in their 161 Cr.P.C. statements fully implicated the

applicant/accused in the commission of offence. So far delay is concerned, in such type of cases people are not reported matter for saving their honour. No case for grant of bail is made out; resultantly instant bail application is dismissed.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

*Muhammad Danish**

JUDGE