

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

Criminal Bail Application No.S-97 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For hearing of main case.
<u>21.03.2022.</u>	

Mr. Ahsan Gul Dahri, Advocate for applicant.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.
Mir Pervez Akhter Talpur, Advocate for complainant.

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Irshad Ali Shah J.- It is alleged that the applicant committed rape with Sht. Hansu; consequently her husband in order to save him from public humiliation committed suicide, for that the present case was registered against him.

2. The applicant on having been refused post-arrest bail by learned Additional Sessions Judge-I, Tharparkar at Mithi has sought for the same from this Court by making 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 its old dispute with him; the F.I.R of the incident has been lodged with delay of about 10 hours and DNA report is in negative, therefore, the applicant is entitled to be released on bail on point of further inquiry. In support of his contentions, he relied upon the case of *Rashad Vs. The State [2020 SCMR 1329]*, *Muhammad Tanvir Vs. The State and others [2017 SCMR 366]* and *Abdul Ghaffar Vs. The STATE and others [2016 SCMR 1523]*.

4. Learned Assistant Prosecutor General for the State and learned counsel for the complainant have opposed to release of the applicant on bail by contending that he is fully involved in commission of incident by the victim and case is proceeding.

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

6. The F.I.R of the incident has been lodged with delay of about 10 hours; such delay could not be overlooked. On DNA examination, the applicant was not found to be contributor of Semen stains/Sperms fractions of vaginal swabs and samples of the victim. Such report could not be overlooked. Parties are said to be disputed already. In these circumstances, a case for release of the applicant on bail point of further inquiry obviously is made out.

7. In view of above, the applicant is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.200,000/- and P.R bond in the like amount to the satisfaction of learned trial court.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish*