

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CR. BAIL APPLICATION NO.1371/2022

Date

Order with signature of Judge

04.10.2022

Mr. Qamaruddin Ujjan advocate alongwith applicant.
Mr. Fazal Haque Khan advocate for complainant.
Mr. Talib Ali Memon, APG alongwith SIP Arshad Tanoli, PS Sher
Shah, Karachi.

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Admittedly medical evidence is not reflecting that any resistance was caused by the victim nor there is any sign or mark on her body which may depict that she was forcibly committed rape. Absence of victim for two days and identification of place where applicant, who was unarmed, had allegedly confined her, victim was unable to disclose the same with the I/O. According to I/O despite of calling she appeared with delay of three days and therefore DNA was also not carried out; medical evidence is not showing any resistance or mark on her body which confirms that there was incident of rape. However, prosecutrix's evidence is sufficient to connect applicant/accused; here applicant is brother in law and there is a property dispute between the complainant and applicant; such documents are available at page 35 which are undisputed.

2. Under these circumstances, malafides in fact and law cannot be ruled out hence ad-interim pre arrest already granted is confirmed on same terms and conditions.

J U D G E

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