

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

Criminal Bail Application No.S-356 of 2022.

DATE ORDER WITH SIGNATURE OF JUDGE

For orders on office objection.
For hearing of main case.

26.08.2022.

Mr. Bhooro Bheel advocate for the applicant.
Mr. Imran Ali Abbasi Assistant Prosecutor General.
Mian Taj Muhammad Keerio advocate for complainant.
Applicant is present on ad-interim pre-arrest bail.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Daughter-in-law of complainant has leveled allegations against applicant of attempting to commit zina with her on 22.03.2022 at 0100 hours when she was sleeping in her home situated in Deh Sunheri Taluka Umerkot. The complainant has stated in FIR that he and PWs Rajoo and Bhoro had seen the applicant and two other unknown accused escaping from his house when they were rushing there on cries of her daughter-in-law.

After FIR when investigation was undertaken, the I.O. found the version unsatisfactorily as the DWs examined supported presence of accused with them. I.O. also found that there was a dispute between the parties over cattle and had exchanged hot words with each other before the incident. Citing these grounds applicant's counsel has pleaded for bail, opposed by learned counsel for complainant and learned APG stating that prima facie there is sufficient evidence against the applicant. The fact that in investigation the version of the complainant was not found true would atleast make the case against applicant to be of further inquiry. The enmity between the parties as confirmed by I.O. would suggest that malafide on the part of complainant cannot be ruled out. There is unexplained delay of one day in registration of FIR, which is also a circumstance in favor of applicant. Although this is a case of attempt but the lady did not subject herself to medical examination to verify this fact at least.

Therefore, this bail application is allowed and ad-interim pre-arrest bail granted to the applicant vide order 25.05.2022 is hereby confirmed on the same terms and conditions.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

Irfan Ali