

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 1617 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

10-02-2023

Mr. Muhammad Hanif, Advocate a/w applicant.
M/s. Saifullah Abbasi and Chaudhry Tariq, Advocates a/w
complainant.
Mr. Abrar Ali Khichi, Addl.P.G.

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Omar Sial, J: Mohammad Yaqoob Lakhar has sought pre-arrest bail in crime number 828 of 2022 registered under sections 376, 511, 354, 452, 337-A(i), 337-F(i), 504 and 506 P.P.C. at the Zaman Town police station. Earlier, his application seeking bail was dismissed on 13.08.2022 by the learned 7th Additional Sessions Judge, Karachi East.

2. The aforementioned F.I.R. was registered on 05.08.2022 on the complaint of Ms. Alishah. The complainant recorded that she was a housewife and that on 04.08.2022, while she was at home with her younger sister, there was a knock at the door. When she went to see who it was she found the applicant, who was the landlord standing outside. The applicant barged into the house even after being told that the 2 girls were alone at home. He manhandled the girl, hit her, abused her and in that process also tore the top that the girl was wearing. The commotion attracted a neighbor lady who then helped the girl while the applicant left the premises.

3. The learned counsel has argued that the applicant is the landlord of the premises and that the complainant's family does not leave the premises in spite of being told do so. He lastly argued that a complaint about the girl was also made to the police. This was the extent of his argument. Most surprisingly, not once did the learned counsel deny that such an incident occurred. To the contrary the learned Addl.P.G. passionately opposed the

grant of bail. I have heard the learned counsels for the applicant as well as complainant and the learned Addl.P.G. My observations and findings are as follows.

4. The complainant, who was present, and is a young lady explained what had transpired on that date. I have absolutely no reason to doubt her at this preliminary stage. If the allegations are correct, which will be determined at trial, being a tenant does not give the applicant the right to humiliate, hit and abuse her. Violent behavior in order to evict a tenant and that too on a woman is simply not permissible. There appears to be medical certificates on record which also support the girl's version.

5. I am cognizant that the punishment for the offences with which the applicant is charged may fall within the non-prohibitory clause of section 497 Cr.P.C. Keeping in mind the principles enunciated in the Tariq Bashir and 5 others vs The State (PLD 1995 SC 34), I am of the opinion that violence inflicted upon a helpless woman is an exception which disentitles the applicant from the concession of bail. I also find no *malafide* on the part of the complainant or the police to falsely implicate the applicant. The letter written to the SHO of the Zaman Town police station on 10.06.2022, a copy of which is on record, in itself makes despicable allegations against the girl, which shows malice on the part of the applicant.

6. In view of the above, the interim pre-arrest bail granted earlier is recalled and the application dismissed.

JUDGE