

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-422 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

21.06.2023

Mr. Azad Ali Sahito advocate for applicants along with applicants on ad-interim pre-arrest bail.

Mr. Ali Akbar Junejo advocate for complainant along with complainant.

Ms. Safa Hisbani, Assistant Prosecutor General

-.-.-

MUHAMMAD IQBAL KALHORO, J.- Complainant is a widow whereas applicants No.1 to 3 are her brothers-in-law, and applicant No.4 is her cousin. She has alleged in FIR, registered on 17.04.2023, that her brother-in-law Aijaz would pressurize her to vacate house of her late husband or commit herself to illicit terms with him. But, she had refused. Then, in the night between 25.03.2023 and 26.03.2023 when she was sleeping in the house, at about 02:00 a.m. applicant Aijaz tried to commit rape with her but on her cries her children woke up and he left. When in the morning, she and her sister Tasleem were going to complain against Aijaz to their father and brothers, all the applicants attacked them and caused them injuries.

2. Learned defense counsel has argued that applicants are innocent and have been falsely implicated in this case; the injuries allegedly sustained by the complainant and her sister are bailable falling u/s 337-A(i) and 337-F(i) PPC; there is delay of 21 days in registration of FIR; the parties are otherwise cousins inter se; sister of applicants is married to brother of the complainant. She had filed a suit for maintenance in the year 2020 against her husband. To counter it, complainant's sister Tasleem had registered a false FIR bearing Crime No.219/2020 to pressurize applicants to enter into compromise. Recently sister of applicants Mst. Gul Pari has registered FIR Crime No.08/2023, before this case, against brother of complainant and has filed a suit for maintenance etc against him; as a counterblast and only to pressurize applicants to again

compromise with brother of complainant, this false case has been registered.

3. His arguments have been opposed by learned counsel for complainant so also by Assistant PG.

4. I have considered submissions of parties and perused material available on record. There is delay of 21 days in registration of FIR which has not been properly explained prima facie. The parties are closely related to each other with history of exchange marriages. The record shows that they are not on good terms and have been filing cases against each other. In the circumstances, malafide on the part of the complainant, against whose brother, sister of the applicants has already registered FIR and a family suit, cannot be ruled out. Since the delay has not been explained, the case against applicants also requires further inquiry. Therefore, this application is allowed and applicants' ad-interim pre-arrest bail granted to them vide order dated 03.05.2023 is hereby confirmed on the same terms and condition.

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

JUDGE

Ali Haider