

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

Criminal Bail Application No.S-653 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.
For hearing of main case.

27-06-2023

Mr. Ghulamullah Chang, advocate for applicant.

Mr. Siraj Ahmed Bijarani, A.P.G. Sindh.

MUHAMMAD IQBAL KALHORO, J: - It is alleged by complainant that she was sleeping in her house situated in village Mir Muhammad Lashari, Taluka Tando Ghulam Hyder, on 23.04.2023 and her husband was sleeping outside, when at about 02:00 a.m. someone woke her up, she identified him as Wajid Ali, applicant, who was standing over her and co-accused armed with lathies who asked her to remain silent. Then applicant Wajid Ali tried to commit Zina with her but she raised cries, upon which her kids woke up, her husband was also attracted who came running. Seeing them, all the accused, made their escape good.

2. Learned counsel for applicant submits that applicant was arrested on 27.04.2023 on the day when FIR was registered since then he is in jail. He is not required for further investigation and the allegations of attempt to commit rape upon complainant requires further inquiry in view of delay in registration of FIR. Learned A.P.G. Sindh has opposed the bail.

2. I have considered submissions of the parties. There is delay of five days in registration of FIR, which is *prima facie* not explained properly. There is history of litigation between the parties, which is admitted in FIR. Applicant is alleged to have made an attempt to commit rape which in view of enmity between the parties and delay in FIR requires further inquiry. The case has been Challenged and applicant is no more required for further investigation.

3. In view of above, this application is allowed and applicant is granted post arrest bail in the sum of Rs.100,000.00 (Rupees one

hundred thousand only) and PR Bond in the same amount to the satisfaction of trial Court.

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

JUDGE

Abdullah Channa/PS