

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Criminal Bail Application No.S-18 of 2023

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<u>DATE</u>	<u>ORDER WITH SIGNATURE OF JUDGE</u>
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10.04.2023

Mr. Muhammad Raheem Gaju advocate holding brief for Mian Taj Muhammad Keerio, advocate for applicants along with applicants on ad-interim pre-arrest bail.

Mr. Roshan Ali Azeem Mallah advocate for complainant.

Mr. Abdul Waheed Bijarani, APG.

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**MUHAMMAD IQBAL KALHORO, J.**- Allegations against applicants are that on 18.10.2022 when complainant was going to meet his relatives in village Allahabad along with his wife Mst. Razia and daughter Mst. Amna, and reached near Engineering Bungalow village Haji Ramzan Mallah Taluka Badin at about 0800 hours, applicants, travelling in a white colored Suzuki, waylaid him and forcibly abducted his wife Mst. Razia and daughter Mst. Amna. FIR was registered on the same day in which the applicants are specifically nominated for committing the said offence. Subsequently, during investigation one of the abductees namely Mst. Amna's 164 CrPC statement after her recovery was recorded on 05.01.2023 in which she too has implicated the applicants. It is further stated that one of the abductees, wife of complainant namely Mst. Razia, has been done to death by the applicants and a separate FIR in this respect bearing Crime No.452/2022 has been registered against them. Learned counsel for applicants has argued that applicants on account of a previous enmity have been falsely implicated in this case. His arguments have been opposed by learned counsel for complainant and learned Assistant Prosecutor General.

2. Applicants are specifically nominated in FIR for abducting two ladies, one is wife of complainant and the other is his daughter Mst. Aman from whose 164 CrPC statement recorded before the Magistrate, the applicants appear to be prima facie connected with the offence. The FIR was registered on the same day and apparently there appears to be no malafide on the part of

complainant to implicate the accused or substitute them with real culprits. The subsequent development, i.e. alleged killing of wife of the complainant at the hand of applicants is also under investigation after registration of this FIR against applicants. Applicants, therefore, prima facie appear to be connected with the alleged offence and are not entitled to the concession of pre-arrest bail which is extendable to the persons who are falsely implicated in the case on account of malafide and ulterior motives either on the part of complainant or police which, in view of the above facts and circumstances, is not the case here. Accordingly, this application is dismissed and applicants' ad-interim pre-arrest bail granted to them vide order dated 05.01.2023 is hereby recalled.

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

JUDGE

Ali Haider