

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Bail App. No. S – 802 of 2023

Date of hearing	Order with signature of Judge
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For hearing of bail application

1. For orders on MA No.6946/2023 (Ex./A)
2. For hearing of bail application

26.01.2024

M/s Imdad Ali Malik and Muhammad Asif Kolachi,
Advocates for applicant.
Mr. Aftab Ahmed Shar, Additional Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – Applicant along with other co-accused is alleged to have kidnapped wife of complainant on 27.04.2023 from his house situated in Village Bhai Khan Mahar, Taluka Pano Aqil with bad intention and to commit rape with her. Complainant however registered FIR of the incident after delay of 14 days, which *prima facie* has not been explained. Applicant was arrested on 10.06.2023 and is in jail since. Meanwhile, Challan has been submitted.

2. Learned defense Counsel has submitted a statement dated 15.01.2024 along with several documents showing that alleged abductee had appeared in the Court of Senior Civil Judge (Criminal Division), Okara, Punjab, and was sent to Darul Aman by the order of the said Court on 24.06.2023. Subsequently, she filed a Suit for dissolution of marriage on the basis of *khula* bearing No.625/2023, which has been decreed *ex parte* on 26.06.2023. Further, she had also filed an application against harassment by her husband. Referring to all these documents, he has pleaded for bail.

3. Learned Additional Prosecutor General submits that in view of documents submitted by learned defense Counsel, the case of further enquiry is made out, and more so, the Investigating Officer

has not properly conducted investigation in this case and gone to visit aforesaid Court at Okara and record statement of abductee.

4. In view of above facts and circumstances, when certificated true copy of documents of abductee appearing in the Court of Senior Civil Judge at Okara has been placed, the case of further enquiry is made out. Hence, this application is **allowed**, and applicant is **granted** post-arrest bail subject to furnishing a solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand) and PR bond of the same amount to the satisfaction of the trial Court.

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

The bail application stands **disposed of** in the above terms along with pending application.

J U D G E

Abdul Basit