

## **IN THE HIGH COURT OF SINDH AT KARACHI**

Criminal Bail Application No.1038 of 2023

Applicant : Nadir Baloch S/o Jumman  
Through Mr. Muhammad Riaz, Advocate

Complainant : Mst. Sughra Bibi W/o Tasawur Hussain  
None present.

Respondent : The State  
Through Mr. Siraj Ali Khan  
Addl. Prosecutor General, Sindh a/w DSP  
Yousuf Jamal, SSOIU East-I, Karachi

Date of hearing : 08.08.2023

Date of order : 08.08.2023

### **ORDER**

**AMJAD ALI SAHITO, J** – Through the instant bail application, applicant/accused seeks pre-arrest bail in Crime No.454/2021 u/s. 365-B PPC registered at PS Baloch Colony, after his bail plea has been declined by III-Additional Sessions Judge, Karachi South vide order dated 30.12.2021.

2. The details and particulars of the FIR are already available in the memo of bail application and FIR, which can be gathered from the copy of FIR attached with the application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused submits that he and I.O. both have received a Nikahnama through WhatsApp message showing that Mst. Aisha has contracted marriage with one Intikhab Hussain S/o Fida Hussain, as such, only suspicious has been shown against the applicant/accused by the complainant, otherwise no evidence has been collected by the I.O. against the present applicant/accused. He lastly prays for confirmation of bail to the applicant/accused.

4. Learned Addl. P.G. opposes for confirmation of bail to the applicant/accused.

5. I have heard the learned counsel for the parties and have gone through the material available on record.

6. Admittedly, the complainant has shown suspicious against the applicant/accused that he has kidnapped her daughter Mst. Aisha, whereas, I.O. submits that he has received a Nikahnama through WhatsApp message that the alleged abductee namely Aisha has contracted Nikah with one Intikhab Hussain S/o Fida Hussain. I.O. further confirms that no evidence has been brought against the present applicant/accused which connects him with the commission of offence. Learned counsel for the applicant/accused has also pleaded malafide on the part of complainant.

7. In view of the above, learned counsel for the applicant/accused has made out a case of further enquiry in terms of subsection (2) of section 497 Cr.P.C. Consequently, the interim pre-arrest bail granted by this Court to the applicant/accused **Nadir Baloch S/o Jumman** vide order dated 15.05.2023 is hereby confirmed and the instant bail application is **allowed**. Applicant/accused is directed to attend the trial as and when required. However, it is made clear that if the applicant/accused misuses the concession of bail, learned trial Court would be at liberty to take appropriate action.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

Kamran/PA