

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1510 of 2023

Applicant : Ahmed Ali S/o Muhammad Arshad
Through Mr. Muhammad Tariq, Advocate

Complainant : Sumaya Adeel W/o Adeel Qaiser
None present

Respondent : The State
Through Mr. Abrar Ali Khichi,
Addl. Prosecutor General, Sindh

Date of hearing : 24.08.2023

Date of order : 24.08.2023

ORDER

AMJAD ALI SAHITO, J – Applicant Ahmed Ali S/o Muhammad Arshad seeks pre-arrest bail in FIR No.101/2023 U/s. 365-B/34 PPC at PS Al-Falah, after his bail has been declined by the learned VIIth Additional Sessions Judge, Karachi East vide order dated 19.04.2023.

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. Per learned counsel for the applicant, the only allegation against the applicant is that he has abducted alleged abductee Mst. Mariam; that in fact, the applicant contracted marriage with her but subsequently she left his home and had gone to unknown place, as such, her parents registered a false FIR against him for her abduction. He further submits that the alleged abductee Mst. Mariam has been recovered and in her 164 Cr.P.C., she has not implicated the present applicant. Lastly, he prays for confirmation of bail.

4. On the other hand, learned Addl. P.G. raises no objection for confirmation of bail on the basis of statement made by alleged abductee Mst. Mariam.

5. Heard and perused. Admittedly, the applicant contracted marriage with the alleged abductee Mst. Mariam and subsequently she left his home and had gone to some unknown place. Since she has been recovered and in her 164 Cr.P.C. statement, neither she has implicated the present applicant nor she has been abducted or enticed away by anyone. At bail stage, only a tentative assessment is to be made and deeper appreciation of the record is not permissible.

6. In view of the above stated position, learned counsel for the applicant has made out a case for grant of bail in terms of subsection 2 of Section 497 Cr.P.C. Resultantly, the instant bail application is allowed. The pre-arrest bail granted to the applicant vide order dated 17.07.2023 is hereby confirmed on the same terms and conditions. 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.

7. 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 applicants on merits.

JUDGE

Kamran/PA