

**Order Sheet**  
**IN THE HIGH COURT OF SINDH,**  
**BENCH AT SUKKUR**

Crl. Bail Application No.S-67 of 2024  
**(Muhammad Saleem & another v. The State)**

Date of hearing	Order with signature of Judge.
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- 1.For orders on MA 584/2024.
- 2.For hearing of Bail Application.

Mr. Achar Khan Gabol, Advocate along with applicants.  
Mr. Shafi Muhammad Mahar, Deputy P.G for the State a/w complainant  
Mst. Razia Bibi and victim Emaan.

Date of Hearing & Order: **24-05-2024**

**ORDER**

**MUHAMMAD IQBAL KALHORO, J.-** As per FIR, registered on 29.04.2023 after one day of the alleged incident, a daughter of complainant namely Aiman aged about 14/15 years in response to a knock on outer door at about 11:00 pm went there to see the caller but did not return. Complainant with her husband mounted a search for her but in vain. On the next day, she received information that her daughter was lying unconscious near railway line. They went there and brought her at home. She after gaining senses revealed about applicants, the callers, taking her forcibly on a cycle to an abandoned place, where they and an unidentified accused committed zina with her turn by turn. This information was given to the police immediately and then she was produced before the Woman Medical Officer for examination under the police docket.

2. Initially, pre-arrest bail application No.S-345 of 2023 of the applicants was dismissed by this Court vide order dated 28.08.2023, when the case was still under the investigation. However, subsequently two investigations have been conducted. In the first investigation, the case was disposed of under B-class and in the second investigation,

ordered by the concerned Magistrate, the case was disposed of under C-class on the basis of lack of medical evidence.

3. Initially, when after registration of FIR, victim was examined, there were certain marks of violence on her body, but today she and her mother/complainant are present and submit that they do not have any objection if the interim pre-arrest bail earlier granted to the applicants is confirmed.

4. In view of such development and the fact that in two investigations, the evidence against the applicants is *prima facie* found deficient, this bail application is accordingly **allowed** and the interim pre-arrest bail earlier granted to the applicants by this Court is hereby confirmed on the same terms and conditions. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

The bail application is accordingly **disposed of**.

Ahmad

**JUDGE**