

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No.934 of 2024
(Mir Gul and another v. The State)

Date	Order with signature of Judges
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- 1. For orders on office objection at `A` vide Court's order dt.03.05.2024 counsel not compliance made.
- 2. For orders on MA No.5670/2024
- 3. For hearing of bail application

27.05.2023

Mr. Jamil Ahmed Ghazali, advocate for the applicant
Mr. Mumtaz Ali Shah, Asstt. PG for the State

It is alleged that the applicants with the rest of the culprits abducted Mst. Fatima a young girl of 17 years of age and then subjected her to rape by using criminal force, for which the present case was registered.

The applicants having been refused bail by learned VIIth-Additional Sessions Judge, Karachi, East/Gender Based Violence Court have sought the same from this Court by way of instant bail application under Section 497 Cr.P.C.

It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the police at the instance of complainant Muhammad Nadeem; co-accused Jehangir has already been admitted to bail by the learned trial court and the applicants are in custody since long without effective progress in the trial of their case, therefore, they are entitled to be released on bail on point of further inquiry, which is learned APG for the state has opposed to the release of the applicants on bail by contending that the case against the applicants is proceeding and the offence is affecting society at large.

Heard arguments and perused the record.

On recovery P.W/victim Mst. Fatima, suggested the involvement of the applicants in the commission of the incident by making her 164 Cr.P C statement alleging therein the applicants after keeping her in wrongful confinement subjected her to rape and maltreatment. On medical examination, she was not found virgin. In that situation, it would be premature to say that the applicants being innocent have been involved in this case falsely by the complainant who had no reason to have involved them in this case falsely at the cost of the honor of his young daughter. The case of the applicants is distinguishable from that of co-accused Jehngir, against him there was no allegation of rape. The case, as per learned APG, is proceedings as such delay in the trial could hardly be made a reason for the release of the applicants on bail in a case like the present one, which is affecting the society at large. There appear reasonable grounds to believe that the applicants are guilty of the offence with which they are charged, thus no case for their release on bail is made out.

Under the given circumstances, the instant bail application is dismissed with direction to the learned trial Court to dispose of very case against the applicants within three months after receipt of a copy of this order.

Order accordingly.

J U D G E