

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Bail App. No. S – 878 of 2023

Date of hearing

Order with signature of Judge

Hearing of bail application

1. For orders on office objection at Flag-A
2. For orders on MA No.7443/2023 (Ex./A)
3. For hearing of bail application

23.02.2024

Mr. Achar Khan Gabol, Advocate for applicant.
Mr. Aftab Ahmed Shar, Additional Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – FIR was registered on 29.04.2023 by mother of victim namely Iman, who was taken away from her house by co-accused Imran and Saleem forcibly to the house of applicant, where allegedly they all committed rape with her on 28.04.2023.

2. In the FIR, name of the applicant does not transpire. In the initial investigation, the case was disposed of in 'B' class because the medical, chemical and DNA reports were in negative. Nonetheless, when such report was submitted before the Magistrate, he disagreed and ordered for reinvestigation, in which after four (04) months on 04.10.2023, in further statement, victim, aged about 14/15 years, disclosed name of applicant to be the person to whose house she was taken and where all three had committed *zina* upon her, yet the case was disposed of in 'C' class in the investigation. But learned Magistrate disagreed and took cognizance of the offence against the accused.

3. It is stated that the applicant is neighbour of complainant party and taking his name after six (06) months by the victim would make his case to be of further enquiry. Learned Counsel in defense has raised these grounds. However, learned Additional Prosecutor General has opposed bail, but states that the case was disposed of in 'B' class initially because of lack of medical evidence.

4. The facts and circumstances, as reproduced above, make the case against applicant to be of further enquiry. Complainant and victim are present, who have also not opposed grant of bail to the applicant.

5. Accordingly, this application is **allowed**, and ad-interim pre-arrest bail already granted to applicant vide order dated 05.12.2023 is hereby **confirmed** on the same terms and conditions.

6. The observations, as above, are tentative in nature and not meant to affect merits of the case before the trial Court.

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

J U D G E

Abdul Basit