

**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT HYDERABAD**

**Cr. Bail Application No.S-937 of 2024**

Applicants:                   **(1)** Arif Samoo @ Arif Ali s/o Muhammad Khan **(2)** Hussna wd/o Muhammad Khan **(3)** Sajid Ali s/o Muhammad Khan, through Mr. Dilshad Ahmed Memon, Advocate.

**Cr. Bail Application No.S-942 of 2024**

Applicant:                   Zeeshan Bhatti @ Muhammad Qasim, through Mr. Murtaza Hussain Borhi, Advocate.

**Cr. Bail Application No.S-1025 of 2024**

Applicant:                   Mst. Qazbano @ Qazoo, through Mr. Abdul Majeed Magsi, Advocate.

Respondent:                The State, through Ms. Sana Memon, Assistant Prosecutor General, Sindh.

Complainant:             Khushi D/o Haji Raja Samo, through Ms. Nayyar Sultana Shaikh, Advocate.  
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Date of hearing:         23.09.2024

Date of order:            23.09.2024  
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**ORDER**

**ZAFAR AHMED RAJPUT, J:-** By this common order, I intend to dispose of above listed three bail applications, as the same have arisen out of same Crime/F.I.R bearing No.133 of 2024, registered at PS B-Section, Tando Muhammad Khan, under sections 376, 506/2, 34 PPC.

**2.** Through criminal bail applications No.S-937 & 942 of 2024, applicants, namely, Arif Samoo @ Arif Ali s/o Muhammad Khan, Hussna wd/o Muhammad Khan, Sajid Ali s/o Muhammad Khan, Zeeshan Bhatti @ Muhammad Qasim, respectively, seek pre-arrest

bail, while through criminal bail application No.S-1025 of 2024, applicant Mst. Qazbano @ Qazoo, seeks post-arrest bail in aforesaid crime. Earlier, their applications for grant of pre-arrest and post arrest bail were dismissed by the learned 1<sup>st</sup> Additional Sessions Judge, Tando Muhammad Khan, vide orders dated 12.08.2024 & 31.08.2024, respectively. The applicants in Cr. Bail Applications No.937 & 942 of 2024 were admitted to interim pre-arrest bail by this Court, vide orders dated 26.08.2024, now they seek confirmation of the same.

**3.** Briefly stated facts are that, on 04.08.2024, complainant Mst. Khushi lodged the aforesaid F.I.R., alleging therein that on 29<sup>th</sup> Ramzan (*9<sup>th</sup> April 2024*) at about 0500, her grandmother Mst. Hussna, uncle Arif Samoo and Mst. Qazbano alias Qazoo Sheedi took her at the house of Zeeshan Bhatti, where after drinking Pepsi, she fell unconscious and Mst. Hussna and Arif Samoo went away. During unconsciousness, Zeeshan Bhatti committed rape on her in presence of four unknown persons. At about 0800 hrs., she regained her senses and saw Arif Samoo and Mst. Hussna; they issued her threats that if she disclosed such fact to anyone, she would be murdered; thereafter she was brought to home. She appraised the above facts to her parents and moved an application in the Court. On 16.07.2024, Mst. Hussna asked her to have treatment, but she took-away her to the house of accused Zeeshan Bhatti from where she escaped and reached her house where complainant's uncle Arif and Sahib issued threats that if she attended the Court, she would be murdered. After getting the order from the Court, she lodged the instant F.I.R.

**4.** Learned counsel for the applicants contend that the applicants are innocent and have falsely been implicated in this case; that the complainant has managed a false story; that the parties have civil dispute over inheritance; that it is a fit case for further inquiry;

**5.** Conversely, learned A.P.G, as well as learned counsel for the complainant while opposing these bail applications maintain that the applicants are nominated in the F.I.R by names and with specific role; that the applicants have been identified by the complainant who has nominated them in the F.I.R, as such; they are not entitled for bail.

**6.** Heard the learned counsel for the applicants, complainant and A.P.G and perused the material available on record with their assistance.

**7.** It appears from the perusal of the record that there is an inordinate delay of about four months in lodging of the F.I.R. Dispute between parties regarding inheritance is an admitted fact. It is beyond comprehension that a grandmother and uncle will take her granddaughter and niece to a third person for committing rape. The medical report is not supportive. As per F.I.R., the complainant fell unconscious after taking Pepsi, it is yet to be seen at the trial as to how she came to know that accused Zeeshan Bhatti committed rape on her in presence of four unknown persons during her unconsciousness. Under such circumstances of the case, the guilt of the applicants/accused persons requires further inquiry as envisaged under sub-section (2) of Section 497, Cr. P.C.

**8.** For what has been discussed above, interim bail granted to applicants/accused Arif Samoon, Mst. Hussna Sajid Ali & Zeeshan Bhatti @ Muhammad Qasim, vide orders dated 26.08.2024, is hereby confirmed on the same terms and conditions. While, applicant/accused Mst. Qazbano @ Qazoo is admitted to post-arrest bail subject to her furnishing solvent surety in the sum of Rs.50,000/- [*Rupees Fifty Thousand*] and PR bond in the like amount to the satisfaction of trial Court.

**9.** Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicants on merits. In case applicant(s) in any manner tries to misuse the concession of bail, it would be open for the trial Court to cancel his bail after issuing him the requisite notice.

**10.** Above are the reasons of my short order dated 23.09.2024.

**JUDGE**

***\*Hafiz Fahad\****