

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.**

Cr. Bail Appl. No.1103 of 2024

12.11.2024

Syed Khalil Ahmed, advocate for applicant
Mr. Raj Ali Wahid, advocate for complainant.
Ms. Rahat Ahsan, Addl. P.G. a/w SIP Dilawar P.S. Korangi.

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ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Fahad Sohu is seeking pre arrest bail in Crime No.242/2024 U/s 376, 506/B PPC of P.S. Shahrah-e-Faisal, Karachi.

2. As per brief facts, allegedly complainant came into contact with applicant on Facebook and he promised to provide her a job. On 10.03.2024 he called her on phone to meet him when she was already outside of her house. He then took her to Munir Arcade Flat No.415, IVth floor Gulistan-e-Johar, Karachi, where on show of a pistol, he raped her. She on the same day reported the matter to police. In the investigation, applicant claimed to have married with the complainant, but later on came to know that she was already married to someone else. However, this fact was investigated by the I.O. who found the documents submitted by the applicant in this regard as fake and fabricated.

3. Learned counsel for applicant has argued that the applicant is innocent and has been falsely implicated in the case; the entire case is doubtful; the incident took place on Sunday and on Sunday claim of the complainant that she was taken to the place for an interview is apparently false. The medical certificate does not support the allegations against the applicant and there were found semen material of somebody else also.

4. On the other hand, complainant's counsel has opposed the bail stating that DNA report is positive and blood sample of the applicant has matched with the semen material found in the complainant; all the documents submitted by the applicant to show that he was married to

complainant have been found fake and fabricated. He has been supported materially by learned APG and I.O. present in the court.

5. I have considered submissions of the parties and perused material available on record. Learned counsel for complainant has filed certain documents showing that applicant on most of the dates has remained absent and does not appear in the trial court. Today also, he is absent. His counsel submits that he is suffering from illness, however, no such certificate has been provided.

6. Be that as it may, the FIR shows that on the show of a pistol, applicant raped the complainant/victim. These allegations have been supported by complainant subsequently in her 161 Cr.P.C statement as well as by her medical examination. DNA report is in positive and shows that applicant is the contributor of semen found in the complainant. The plea of applicant that he had married with the lady/complainant has been found fake in the investigation. The documents submitted in this regard by him were also examined and found manipulated. It is further reported that applicant had also registered an FIR against the lady/complainant alleging that she had contracted marriage with him in subsistence of her first marriage which has also been disposed of in "B" class (the case found false). In the facts and circumstances, no case of extra ordinary concession of pre arrest bail is made out which is meant to protect an innocent person from arrest and concomitant humiliation coming in the wake of registration of a false case against him. Here the entire investigation and the material point out to involvement of the applicant in the heinous offence.

7. In view of above circumstances, this application is dismissed and the order granting ad-interim pre arrest bail to the applicant is hereby recalled.

The observations made herein above are tentative in nature and would not prejudice case of either party at trial.

The Cr. Bail Application is disposed of.

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