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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARK ANA
1st CrI. Bail Appln. No.S-472 of 2015.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE.
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12.10.2015.

For hearing.

Mr. Ajmair Ali Bhutto, advocate for applicants.

Mr. Khadim Hussain Khooharo, D.P.G.

Through instant application, applicants Gulshad Ahmed and Ikhlaque Ahmed, both by caste Bhatti, seek post arrest bail in crime No.78/2008 registered at P.S New Foujdari, Shikarpur, under Sections 365-B, 34, PPC.

2. It is alleged that on 08.04.2008 Mst. Shaista daughter of complainant Manzoor Ahmed was available at 'Selai Centre', when complainant party heard cries and reached there, where they identified accused persons, namely, Ikhlaque Ahmed (applicant), Ghulam Qadir, Gulshad (applicant), armed with T.T. Pistols, and Sikandar, who abducted Mst. Shaista in white colour car. Thereafter, complainant was approaching to the Nekmards for return of his daughter Mst. Shaista and accused Sikandar was keeping him on false hopes that he will return the girl (abductee), but later-on refused, hence complainant lodged instant F.I.R.

3. Learned Counsel for the applicants, inter alia, contends that applicants are innocent and have been implicated falsely with malafide intention and ulterior motive; that the applicants appeared before the learned Sessions Judge by moving application under Section 498, Cr.P.C and they were admitted to interim pre-arrest bail, but thereafter such order was recalled and the applicants were taken into custody. Further, it is argued that NADRA record was produced before the trial Court showing therein that Mst. Shaista, alleged abductee, is legally wedded wife of Mansoor, but this aspect was not considered.

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4. Learned D.P.G contends that this is a case against society and names of applicants transpire in the F.I.R, hence they are not entitled for concession of bail.

5. Heard learned Counsel for the parties and perused the record.

6. Apparently, the case against accused persons is regarding abduction of Mst. Shaista for contracting marriage deception. During investigation abductee was not recovered. Applicants approached to learned Sessions Judge, Shikarpur, who granted interim pre-arrest bail to them, but subsequently they were taken into custody. No useful purpose would be served if the applicants are further detained in jail. Besides, NADRA record was produced by the applicants before trial court to the effect that abductee is residing at Karachi alongwith her husband Mansoor. Accordingly, investigating officer is competent to recover the alleged abductee and record her statement. At this stage, this case falls within the scope of further probe.

7. Accordingly, bail application is allowed and the applicants are admitted to bail upon their furnishing surety in the sum of Rs.100,000/- (Rupees One Lac only) each and P.R bond in the like amount to the satisfaction of the trial Court.


JUDGE