

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

Criminal Bail Application No.S-711 of 2022.

DATE	ORDER WITH SIGNATURE OF JUDGE
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	For orders on office objections. For hearing of main case.
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16.09.2022.

Applicant is present on ad-interim pre-arrest bail.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.
Ms. Samreen Khaskheli advocate alongwith complainant.
SIP Muhammad Ismail P.S. Abadgar.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Complainant has leveled allegations against applicant of committing Zina with her daughter Mst. Safeeran, married with one Soomar, in her house on 02.06.2022 at 1230 hours, reported on 07.06.2022 at 1250 hours, and witnessed by his sons Sher Muhammad and Sher Khan. In the investigation, 164 CrPC statement of the victim was recorded, although she supported main allegation but has prima facie given a different story as to how that happened and has even not supported witnesses' presence in the manner as alleged. Husband of victim in his 161 CrPC statement has also not supported the incident. The vaginal swabs of the victim and her clothes were sent for DNA report which, has come in negative: samples do not contain any male DNA/Semen stains/ sperm fraction and therefore, the I.O. present in the Court has disposed of the case under "B" Class and submitted such report before Magistrate concerned for final order.

Complainant's counsel has although opposed bail to applicant but learned APG has not opposed this bail application. Even the I.O. present in the Court submits that since he has disposed of the case under "B" Class, he will not arrest the applicant. There is delay of 05 days in registration of FIR, to boot and prima facie except a word of victim and her father, not the eye witness, there is no material to support it, even the medical evidence is in negative. A case of further inquiry against the applicant has been made out and his implication out of motive base and ulterior cannot be ruled out. Consequently, this application is allowed and ad-interim pre-arrest bail granted to

the applicant vide order dated 05.07.2022 is hereby confirmed on the same terms and conditions.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

Irfan Ali