

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

Criminal Bail Application No.S- 58 of 2025.

Applicants: Sht. Rani W/o Raimal.
Through Mr. Shahnawaz Ali Laghari, Advocate.

The Respondent: State
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Date of hearing: 21.03.2025.

Date of order: 21.03.2025.

ORDER

Dr. Syed Fiaz ul Hasan Shah, J: Through instant bail application, applicant Sht. Rani seeks his admission to post arrest bail in Crime No.62 of 2024 under section 336-A, 371-A, 34 PPC, Prevention of Trafficking in Person Act 2018 added in interim charge sheet section 322 PPC, registered with P.S Dilber Khan Mahar, District Mirpurkhas. After the arrest applicant preferred her bail plea before the Court of Additional Sessions Judge-II/GBV/Anti-Rape Mirpurkhas vide Criminal Bail Application No.73/2025 (Re-Sht. Rani Vs. The State) and same was dismissed vide order dated 21.01.2025; hence, instant bail application has been maintained.

2. Since the facts of prosecution case are already mentioned in F.I.R as well as impugned order passed by the Additional Sessions Judge-II/GBV/Anti-Rape Mirpurkhas, therefore, there is no need to reproduce the same.

3. It is inter alia contended by the counsel for the applicant/accused that applicant is real mother of deceased victim and no direct evidence is available with the prosecution to connect the applicant with the offence except the fact that the statements of co-accused Heero, Allah Dino, Ramzan and Bhoojo out of them Allah Dino and Ramzan have already been released on bail by Trial Court. He further contended that there is no direct evidence against the applicant that she has allowed her daughter for illicit intercourse/prostitution and no any family member has come forward to become the prosecutions' witness against the applicant. He further states that the applicant is poor lady having minor daughter and the

law provide special provision for the protection to woman in terms of section 497(i) Cr.P.C and article 25-A of Constitution of Islamic Republic of Pakistan, 1973 any person the concession of bail may be - granted. The learned D.P.G and I.O, who are present in Court have not denied the grant of bail of co-accused Ramzan and Allah Dino while of opposed instant bail application on the ground that deceased victim was minor daughter of the applicant and applicant has allowed for illicit prostitution and her minor daughter was died due to serious medical injuries as per final MLC report. He further argued that applicant is nominated in the FIR and case against her falls within the ambit of prohibitory clause as punishment of Section 371-A PPC is upto 25 years.

4. Heard learned counsel for the applicant and the learned D.P.G assisted by I.O.

5. It is alleged that the minor girl was passed away due to serious medical injuries at the hands of Ramzan, Allah Dino, Heero and Bhoojo out of them two accused granted post arrest bail by the Trial Court. The prosecution has no direct evidence to connect the Applicant with the commission of offence except a statement of co-accused, which even otherwise inadmissible. The case of the prosecution stands on circumstantial evidence, which is weak type of evidence and even this is for Trial Court to determine the circumstantial evidence after recording evidence of the parties by forming the presumptions of the fact whatever come on the record and the conclusion arrived by the Trial Court. Prima facie, no ocular account or any direct evidence oral or documentary available with the prosecution, even neither father nor any family member or neighborhood came forward to support the version of the prosecution that the applicant used or abused her real daughter (now deceased) for the prostitution purpose.

6. No doubt, as per contentions of learned D.P.G the sentence of Section 371-A PPC is mentioned as it may extend and up to 25 years, however, such description of 25 years has not been defined under the sentencing policy the minimum punishment is at varied according to the circumstances and discretion of Court,

therefore, in stricto sensu the embargo of prohibitory clause does not come in the way of the applicant. Consequently, the Applicant is granted concession of post arrest bail subject to furnishing a solvent surety in sum of Rs.50,000/- and P.R bond in the like amount, to the satisfaction of Trial Court.

7. Needless to say that any finding given or the observations recorded herein-above, it is only for the purpose of deciding this bail application, which will not affect the merit of case before the Trial Court in any manner and the Trial Court will try the case without being influenced from any observation.

JUDGE

"Adnan Ashraf Nizamani"