

**ORDER SHEET**  
IN THE HIGH COURT OF SINDH, KARACHI.  
**Cr. Bail Appl. No.2251 of 2024**

(*Malik Muhammad Fawad vs. The State*) For hearing of Bail Application.  
**23.12.2024.**

Syed Aamir Ali Shah, Advocate for Applicant  
Mr. Noor Alam, Advocate for Complainant  
Mr. Saleem Akhtar, Addl: PG Sindh

**ORDER**

**MUHAMMAD IQBAL KALHORO J:** Applicant is seeking post-arrest bail in Crime No.721/2024, u/s 496-A PPC at Police Station Shahrah-e-Faisal, Karachi.

2. Complainant has alleged in the FIR that he was married to Rabia, alleged abductee, from whom he has two children. On 23.07.2024, when he came in the house i.e. Flat No.11-B, Street No.1, Askari-4, Rashid Minhas Road, Karachi, he found his wife and children missing. Hence, he realized that someone had abducted his wife for the purpose of committing zina with her. On the basis of CCTV footage showing that the abductee was picked up by applicant, a family friend from the house, and was dropped at airport at Karachi for flying to Dubai, applicant was arrested and made accused.

3. The case in defence is that abductee herself filed a suit for *khulla* a day before her disappearance with children and went to Dubai to live with her mother and that she is still residing there. She further filed a suit for dissolution of marriage on *khulla* at Karachi, which has been decreed in her favour as such she is no more wife of complainant. She has not leveled of any allegations of abduction or commission of zina with her by the applicant.

4. Learned counsel for the complainant, has however opposed bail by supporting the impugned order and the reasons contained therein. However, learned Addl: PG Sindh submits that this is a case of further enquiry.

5. In view of the facts and grounds taken in defence, it appears that the case against the applicant is of further enquiry. *Prima facie*, there is no evidence to show that applicant has committed the alleged offence. The CCTV footage does not *prima facie* imply that applicant has committed the offence with the lady. Therefore, I am of the view that the case against the applicant requires further enquiry into his guilt and he is entitled to concession of bail. Accordingly, this bail application is allowed and applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.100,000/ (Rupees one lac) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

6. Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

**JUDGE**

Rafiq/P.A