

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 816 of 2025

Applicant : Adeel Siddique son of Muhammad Siddique,
Through Mr. Liaquat Ali Tareen, advocate for
applicant a/w applicant (on interim bail)

Complainant : Ayesha Ayub daughter of Muhammad Ayub
Through Mr. M. Umair Azam, advocate.

Respondent : The State
Through Ms. Rubina Qadir, Addl. PG Sindh

Date of hearing : 13.05.2025.

Date of order : 20.05.2025.

ORDER

KHALID HUSSAIN SHAHANI, J. –Through the instant application filed under Section 498 Cr.P.C, the applicant Adeel Siddique seeks pre-arrest bail in FIR No. 111/2025 registered at Police Station Shah Faisal Colony, Karachi under Sections 376, 354, 420, 506-B, 337-A(i), and 34 PPC. His earlier bail application was dismissed by the learned VII Additional Sessions Judge (East), Karachi vide order dated 21.03.2025.

2. Precisely, the complainant Mst. Ayesha Ayoub, in her statement recorded under Section 154 Cr.P.C., alleged that she was raped, blackmailed, and defrauded of gold ornaments and cash by the applicant, who is a police constable. She further alleged assault and criminal intimidation when she demanded the return of her valuables.

3. Learned counsel for the applicant has reiterated the grounds taken in the memo of bail application and urged that the FIR is an outcome of misunderstanding now resolved between the parties, and that continuation of proceedings would serve no useful purpose.

4. Learned APG, in view of the no objection by the complainant, has not vehemently opposed the bail application but opposed it formally.

5. However, during the pendency of the present bail application, the complainant Mst. Ayesha Ayoub appeared before this Court and filed an affidavit of no objection. In the said affidavit, she has categorically stated that she has amicably resolved the matter with the applicant outside the

Court, that she entered into marriage with the applicant through an affidavit of free will, and that she no longer wishes to pursue the case. She has further deposed that she has no objection if pre-arrest bail is granted to the applicant.

6. While the offence under Section 376 PPC is non-compoundable and carries serious penal consequences, the complainant is now retracting her accusations by filing an affidavit disclosing that she has settled the dispute with the applicant and has entered into a matrimonial relationship with him. Though such an affidavit does not ipso facto absolve the applicant of the charges, yet it becomes a mitigating circumstance when considering bail, especially where there are disputed facts regarding the existence of coercion or consent, and when the complainant herself is now asserting a consensual relationship.

7. Moreover, the matter requires further inquiry within the meaning of Section 497(2) Cr.P.C. since, inter alia that the FIR lacks precise dates for multiple alleged offences; there is a history of prior familiarity between the parties; a civil element is involved concerning alleged monetary and gold transactions; the complainant has now completely retracted her version through an affidavit on oath. At the bail stage, deeper appreciation of evidence is not warranted. Given the no objection by the complainant, her affidavit of free will marriage with the applicant, and the peculiar facts and circumstances of the case, the applicant has made out a case for exercise of discretion in his favour.

8. Accordingly, this pre-arrest bail application is allowed. The interim pre-arrest bail granted earlier to the applicant Adeel Siddique is hereby confirmed on the same terms and conditions. It is, however, clarified that the observations made herein are tentative in nature and shall not influence the trial Court at the time of final adjudication of the case.

J U D G E