

## IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

### Criminal Bail Application No.S-162/2025

Applicant : Muhammad Younis son of Muhammad Yousuf,  
Through Mr. Saddam Hussain, Advocate

Respondent : The State  
Through Mr. Nazeer Ahmed Bhangwar, DPG

Date of hearing : 30.06.2025

Date of order : 11.07.2025

### **ORDER**

**KHALID HUSSAIN SHAHANI, J.**— Applicant Muhammad Younis seeks post arrest bail in a case bearing crime No.98/2024, registered at P.S. Airport Jacobabad, offence u/s 322, 449, 506/2, 148, 149 of PPC r/w Sections 3, 4 & 5 of Sindh Prohibition of Interest on Private Loans Act 2023.

2. The prosecution theory, as set forth in the FIR lodged by Mst. Mehar-Ul-Nisa on October 4, 2024, centers on the tragic demise of her husband, Anwar Ali. It is alleged that Anwar Ali, a lecturer, became ensnared in a web of debt with various money lenders, a group purportedly including the present applicant, over an extended period of five years. The complainant asserts that despite the ostensible repayment of the outstanding loan, the accused individuals, among them the applicant persisted in their relentless campaign of harassment and insults directed towards the deceased and his family. These demands escalated to the point where they allegedly insisted that Anwar Ali resort to sell his children to satisfy their insatiable financial claims. The complainant contends that these ceaseless threats and profound insults ultimately propelled Anwar Ali to undertake the desperate act of committing suicide by hanging

himself on October 3, 2024.

3. Learned counsel for the applicant submitted that the applicant is a law-abiding citizen, gainfully employed as a proprietor of Al-Bhattai Chingchi Rikshaw showroom in Jacobabad. It was contended that the case against the applicant is fabricated, potentially stemming from an existing property dispute. A one-day delay in the FIR registration was highlighted to cast doubt on the allegations. Crucially, it was asserted that the deceased admittedly took his own life, and therefore, another individual cannot be held solely responsible for an act of self-harm. The learned counsel emphasized that the Investigating Officer (IO) judiciously altered the primary charge from Section 302 PPC to Section 322 PPC (Qatl-bis-Sabab), which primarily mandates Diyat and falls outside the prohibitory clause of Section 497(1) Cr.P.C. Similarly, the remaining sections (449, 506/2, 148, 149 PPC, and Sections 3, 4, 5 of the Sindh Prohibition of Interest on Private Loans Act, 2023) also carry lesser punishments and do not fall within the prohibitory clause. It was further submitted that there are no independent witnesses, and all prosecution witnesses are related to the deceased, rendering their testimonies subject to meticulous scrutiny and the case one of "further inquiry." He lastly prayed for grant of bail.

4. In stark contrast the learned Deputy Prosecutor General vehemently opposed the grant of bail, asserting the gravity of the allegations. It was contended that it is an admitted position surfaced on the record that the deceased was under duress and a stressful condition due to the continuous visiting of the accused persons at his house, which culminated in him being put into the circumstances of suiciding/ending up his own life. As such, the deceased, at the time of his death or soon before his death, wrote a letter/note with his own handwriting, which has been forensically examined and confirmed to

be written by the deceased himself. In this crucial document, the deceased had categorically named the present applicant as one of the perpetrators who used to pay visits at the house of the deceased. Moreover, all the witnesses, in their statements under Section 161 Cr.P.C., have consistently supported this stance of the complainant. The learned DPG further argued that while guilt or innocence would be determined after a full-dressed trial, tentatively the applicant is found involved in causing mental agonies to the deceased and injuring him. It was stressed that such acts/deeds, where money lenders compel individuals to take desperate measures like suicide, are unfortunately very common in society and must be dealt with iron hands to curb this menace. Such exploitative practices, where individuals are driven to despair and self-harm due to relentless and unlawful demands, strike at the very fabric of social justice and peace. The Sindh Prohibition of Interest on Private Loans Act, 2023, specifically aims to address and criminalize such predatory behavior. The learned DPG concluded that granting bail in such circumstances would send a negative societal message, undermine efforts against illegal money lending, and could potentially jeopardize the judicial process by allowing witness tampering.

5. Record reflects, complainant lodged the FIR which revolves around the tragic demise of her husband. Deceased allegedly became ensnared in a web of debt with various money lenders, including the present applicant, over a period of five years. The complainant further asserted that despite the purported repayment of the loan, the accused individuals, including the applicant, continued to harass and insult the deceased and his family, even demanding that he sell his children to satisfy their insatiable demands. These relentless threats and insults, the complainant states, ultimately drove Anwar Ali to the desperate act of committing suicide by hanging himself on

October 3, 2024. The FIR was lodged on the following day viz. 04.10.2024. Crucially, the record confirms that a handwritten letter, purportedly penned by the deceased himself, was discovered alongside a Durood-e-Tunjeena. This letter underwent forensic examination, and its handwriting was confirmed to be identical with that of the deceased. A bare reading of this suicide letter reveals that the deceased categorically named the present applicant as one of the perpetrators who used to pay visits at his house, thereby directly implicating him in the continuous duress that culminated in the deceased's tragic act. This direct evidence, coupled with the consistent statements of the witnesses under Section 161 Cr.P.C. supporting the complainant's version, forms a strong *prima facie* case against the applicant. The fact that the deceased was under severe mental agony and stress due to the continuous and coercive visits of the accused persons, leading him to end his life, is a grave matter that cannot be overlooked at this stage.

6. For convenience and clarity, the relevant sections of the Sindh Prohibition of Interest on Private Loans Act, 2023, are reproduced hereunder, highlighting the legislative intent to combat such practices:

*"Section 3. (1) No money lender either individually or in group of persons shall lend money for vehicles or any other purpose or advance loan to any person for the purpose of receiving interest thereon, nor shall carry on an interest based transaction in the Province.*

*(2) Whoever contravenes the provisions of sub-section (1), either directly or indirectly, shall be punished with imprisonment of either description which may extend to ten years but shall not be less than three years and shall also be liable to fine not exceeding one million rupees.*

**Section 4.** *Whoever intentionally and wilfully abets, engages, assists or aids the money lender in lending money or in recovery of interest or in interest based transaction in contravention of sub-section (1) of section 3 shall also be liable to the same punishment as provided in sub-section (2) of section 3 of this Act.*

**Section 5.** *Whoever harasses any borrower or debtor, whether on*

*his own or on behalf of anybody else with the intention to force such borrower or debtor to pay back any loan or debt or any part thereof or any interest thereupon, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine up to five hundred thousand rupees."*

7. A careful perusal of the record, particularly the contents of the deceased's suicide note and the consistent statements of the prosecution witnesses, reveals a compelling prima facie case against the applicant. The argument that the deceased admittedly took his own life, thereby absolving others, cannot be accepted at this stage, especially when there is direct evidence, forensically confirmed, indicating that the applicant's continuous harassment and visits were a precipitating factor in the deceased's decision to commit suicide. Such acts, which cause immense mental agony and drive an individual to self-destruction, are not merely minor infractions but grave offences that fall within the spirit and letter of the law, particularly Section 322 PPC (Qatl-bis-Sabab) and Section 5 of the Sindh Prohibition of Interest on Private Loans Act, 2023.

8. While it is true that some of the sections invoked may not fall within the prohibitory clause of Section 497(1) Cr.P.C. when considering the maximum punishment, the *nature and gravity* of the allegations, coupled with the direct evidence of the deceased's suicide note implicating the applicant, cannot be overlooked. The Court must consider the overall impact of the alleged actions on the victim and society. The practice of money lenders coercing and harassing debtors to the point of suicide is a serious societal ill that warrants a firm response from the justice system. Granting bail in such circumstances, where there is credible evidence of direct involvement in causing severe mental distress leading to death, would send a wrong signal and undermine the efforts to curb such exploitative practices. The argument of "further inquiry" does not

favor the applicant when there is substantial *prima facie* material linking him to the deceased's tragic end. The guilt or innocence will indeed be determined after a fulfilled trial, but at this stage, the material sufficiently connects the applicant with the commission of the alleged offence.

9. I have also considered the order dated January 28, 2025, passed by this Court, whereby the pre arrest bail application of co-accused Zia ur Rehman was declined. This further reinforces the view that the allegations are serious and have been taken seriously by the courts. The contention that there are no independent witnesses is a matter to be tested during the trial; however, the direct implication through the deceased's own suicide note, coupled with the consistent witness statements, provides sufficient grounds to deny bail at this juncture.

10. For the reasons stated above, this Court is of the considered view that there are reasonable grounds to believe that the applicant is involved in the commission of a grave offence, which *prima facie* led to the tragic demise of the deceased. The compelling evidence, including the forensically verified suicide note and the consistent witness statements, outweighs the arguments for bail. Accordingly, the instant bail application is dismissed. The observations made herein are tentative in nature and shall not affect the merits of the trial.

**J U D G E**

Asghar Altaf/P.A