

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2769 of 2025

Applicant : Faizan Qureshi through Mr. Muhammad Irfan, Advocate.

Complainant : Mr. Fareena through M/s. Farah Khan and Abida Bibi, Advocates.

Respondent : The State through Mr. Qamaruddin Nohri, D.P.G Sindh.

Date of Hearing : 12.11.2025.

Date of Order : 12.11.2025.

O R D E R

TASNEEM SULTANA, J.: Through the instant application, the applicant seeks post-arrest bail in a case arising out of FIR No.97 of 2025 registered under section 376 PPC at Police Station Hyderi Market, Karachi. The earlier bail plea moved on behalf of the applicant before the learned II Additional Sessions Judge, Karachi Central, was dismissed vide order dated 23-09-2025, which has been assailed through the present application.

2. Brief facts of the prosecution case, as narrated in the FIR, are that the complainant stated that she was employed at Lucky Nut Company, where the applicant was also working, and during the course of employment the applicant obtained her mobile number and started contacting her. It is alleged that on 08-12-2023, at about 05:00 p.m., the applicant followed the complainant to her residence and, finding her alone, committed sexual intercourse with her and recorded obscene videos and pictures. It is further alleged that the applicant thereafter blackmailed the complainant on the basis of the said recordings, as a result whereof, on 26-12-2023, she attempted self-harm by cutting the veins of her left hand. It is further stated that the applicant later promised to marry the complainant and asked her not to lodge any complaint; however, on 25-02-2025, he again came to her house, extended threats, and demanded that she arrange her sister for immoral acts, whereafter the complainant approached the police

through courier and sought intervention of the Court, leading to registration of the case.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated with mala fide and ulterior motives; that there is considerable delay in lodging the FIR, which casts doubt upon the prosecution version; that the complainant, during her testimony, has admitted continued interaction and accompanying the applicant to different places, which, according to learned counsel, reflects consensual relations attracting section 496-B, PPC rather than section 376, PPC; that the alleged obscene videos and pictures have not been proved, as the digital contents could not be played before the trial Court and no forensic report has yet been produced; that PW-2 provides only circumstantial support and his testimony is weakened by omissions and admissions elicited in cross-examination; and that, therefore, the case calls for further inquiry under section 497(2), Cr.P.C.

4. Conversely, learned Additional Prosecutor General, assisted by learned counsel for the complainant, opposed the application on the ground that the complainant has consistently levelled direct allegations of rape, threats and blackmail against the applicant, not only in the FIR but also in her statement recorded under section 164, Cr.P.C. and in her court-recorded testimony; that the allegations disclose repeated sexual exploitation through coercion and intimidation; that PW-2 has provided supporting circumstances regarding harassment and disclosure made by the complainant; that the seriousness of the offence and the nature of allegations bring the case within the prohibitory clause of section 497(1), Cr.P.C.; and that the forensic report regarding the digital material is to be produced during the evidence of the Investigating Officer, therefore the applicant does not deserve the concession of bail.

5. On perusal of the material placed on record, it emerges that the incriminating material presently available against the applicant primarily consists of the testimony of the complainant recorded before the trial Court, wherein she has levelled direct and specific allegations of forcible sexual intercourse, blackmailing and threats, which she has reiterated on oath and which are also reflected in her statement recorded under section 164, Cr.P.C. Such court-recorded testimony, at this stage, carries substantial prima facie weight. The prosecution

has also examined PW-2, who has offered circumstantial support with regard to the complainant's disclosure and the alleged harassment.

6. The remaining alleged corroborative material, including digital evidence and related technical material, is yet to be formally proved through independent evidence. However, as stated by learned Additional Prosecutor General, the forensic report shall be produced during the evidence of the Investigating Officer. The pendency of forensic verification does not, by itself, dilute the prima facie effect of the direct allegations made by the complainant, and the evidentiary worth of such material is to be finally assessed by the trial Court.

7. The contention regarding delay in lodging the FIR does not advance the case of the applicant. It is well settled that in cases involving allegations of sexual violence, delay by itself is not fatal, as hesitation in approaching law-enforcing agencies may stem from fear of social stigma, psychological trauma, or continued coercion by the accused.

8. The plea of consent, raised on the premise of alleged prior interaction or visits to guest houses, cannot be accepted at this juncture. Under section 375 PPC, consent must be free, voluntary and unequivocal, and any consent obtained through fear, coercion or blackmail is no consent in the eye of law. A purported prior relationship, the exact nature and contours whereof are matters for trial, does not by itself establish consent. The burden to demonstrate circumstances taking the case out of the ambit of rape rests upon the accused, which burden has not been discharged at this stage, and therefore no presumption of consent can be drawn. The prosecution case alleges repeated sexual assault through blackmail by recording indecent material, and the recovery of the applicant's mobile phone and related digital material, cannot be brushed aside at this stage merely on the ground that the forensic report has not yet produced.

9. It is a settled proposition that at the bail stage the Court is not required to undertake a detailed appraisal of evidence but only to make a tentative assessment to ascertain whether sufficient material exists connecting the accused with the alleged offence. Prima facie, the accusations disclose a heinous offence carrying severe punishment and thus fall within the prohibitory clause of section 497(1), Cr.P.C. No exceptional circumstance has been shown to justify departure from the settled rule of refusal of bail in such cases.

10. The principle that the testimony of a victim of sexual violence is of vital significance and does not ordinarily require corroboration unless compelling circumstances exist also weighs against the grant of bail, as held by the Honourable Supreme Court in *State and others v. Abdul Khaliq and others* (PLD 2011 SC 554). Further, where the trial is in progress, the proper course is to ensure its expeditious conclusion rather than to interfere by grant of bail, as held in *Rehmatullah v. The State* (2011 SCMR 1332).

11. In view of the foregoing discussion, the applicant has failed to make out a case for grant of bail at this stage. Consequently, the Criminal Bail Application is dismissed. However, the learned trial Court is directed to proceed with the trial expeditiously and conclude the same at the earliest. These are reasons of my short order passed on 12.11.2025.

12. It is clarified that the observations made herein are tentative in nature and shall not prejudice either party during trial.

JUDGE

Shabir/P.S

ORDER SHEET**IN THE HIGH COURT OF SINDH, AT KARACHI.**

Cr. Bail Appln. No. 2769 of 2025.

Date	Order with signature of hon'ble Judge (s)
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For hearing of bail application.

12.11.2025

Mr. Muhammad Irfan, advocate for the applicant.

M/S Farah Khan and Abida Bibi, Advocates for the complainant.

Mr. Qamaruddin Nohri, D.P.G. Sindh.

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Heard learned counsel for the applicant, learned counsel for the complainant and learned D.P.G. For the reasons to be recorded later on, instant Criminal Bail Application is dismissed.

JUDGE