

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.S-2838 of 2025

Applicant : Shafique-ur-Rehman son of
Manzoor Ahmed through Mr. Nadir
Khan Burdi, Advocate

Complainant : Jameela daughter of Hussain Baksh
through Mr. Naseebullah Soomro,
Advocate

The State : Through Mr. Sharaf-u-Din Kanhar,
Assistant Prosecutor General, Sindh
along with Investigating Officer –
Hajerah Usman of Police Station
Defence, Karachi

Date of hearing : 06.04.2026

Date of decision : 06.04.2026

ORDER

Jan Ali Junejo, J.- This Order shall decide the post-arrest Criminal Bail Application filed by Applicant-Shafique-ur-Rehman son of Manzoor Ahmed under Section 497, Cr.P.C., arising out of FIR No.560 of 2025, registered at Police Station Defence, Karachi, for offence under Sections 376/506 PPC. The Applicant seeks bail after arrest, being aggrieved by the Order dated 06.10.2025, passed by learned Additional Sessions Judge-III/ Special Court (ARITA-2021), Karachi South, whereby, his earlier bail plea (Criminal Bail Application No.39 of 2025) was declined.

2. As per the FIR lodged on 17.07.2025 at 1700 hours, Complainant, Ms. Jameela daughter of Hussain Baksh, resident of House No.28/29, Street No. 24, Sector-A, Qayoomabad, Karachi, registered FIR No.560 of 2025 under Sections 376/506 PPC at Police Station Defence, Karachi, stating that she is a divorced woman living with her children and working as a cook and housemaid in Defence Phase VII, Khayaban-e-Saadi, Karachi, for the past five years; that she came into contact with the present Applicant-Shafiq-ur-Rehman son of Manzoor Ahmed, through mobile phone and both were on visiting terms with cordial relations; that about one year prior, the Applicant proposed secret marriage which she declined, insisting upon lawful marriage after his divorce from his first wife,

where-after she blocked his number causing annoyance to him; that on 17.07.2025 at about 05:00 PM, the Applicant allegedly entered her house, found open, while she was asleep, misbehaved with her, made a video, attempted to kiss her, and upon her resistance, quarreled and allegedly committed rape forcibly; that upon her raising hue and cry, the applicant fled, and she informed her family who approached the applicant's family, who sought three days to resolve the matter; however, thereafter the applicant allegedly extended threats of murder to her and her family, compelling her to report the matter to the police for legal action against the applicant for offences of rape and criminal intimidation.

3. Learned Counsel for the Applicant has mainly contended that the Applicant is innocent and has been falsely implicated in this case by the Complainant due to *malafide intention and ulterior motives*; that there is unexplained delay for about three days in registration of the FIR for which no plausible explanation has been given. He further argued that there is an admitted relationship between the Complainant and Applicant as per FIR and Complainant being divorced wanted to marry with the Applicant and on his refusal, she involved him in this false FIR while alleging him for committing rape in order to exaggerate pressure upon him to marry with her. He further argued that the Medico Legal Certificate is in negative and it does not speak any fresh act of rape with her so also no mark of violence. He argued that the DNA report available with the prosecution is also negative, which speaks that seminal material was identified on stain section taken from trouser of Jameela, which is her own seminal material and not of Applicant. He argued that the video produced by the Complainant does not show any rape with her. He argued that only narration of the Complainant mentioned in the FIR regarding committing rape with her allegedly by the Applicant, having no corroboration by any other such as medical and DNA requires further enquiry as there is an admitted affair between them which is well mentioned in the FIR by the Complainant herself, which at least falls within fornication and not rape. Lastly, he prayed for grant of bail to the Applicant/ Accused. In support of his contentions, he relied upon the case laws reported as Muhammad Aslam *versus* The State [2023 SCMR 397], Muhammad Shakeel *versus* The State [2025 SCMR 1952], Muhammad Tanvir *versus* The State [2017 SCMR 366] and Muhammad Akram *versus* The State and another [2022 YLR 2323].

4. On the other hand, learned Assistant Prosecutor General, Sindh duly assisted by Complainant's Counsel vehemently opposed for grant of bail while contending that the delay in such like cases involving honor

does not fatal whole prosecution case, however, the Applicant is well nominated in the FIR with his specific role for committing rape and extending life threats. They further argued that if there is any relationship with the Complainant and Applicant, it does not absolve the Applicant for the allegation of rape and extending life threats. They further argued that medical report available with the prosecution along with the DNA report, which speaks that the seminal material was identified on stain section taken from trouser of Jameela, therefore, such fact fully connects the Applicant in commission of rape with Complainant. They further argued that the allegations by the Complainant against the Applicant mentioned in the FIR corroborates with her 164 Cr.P.C statement and medical evidence, therefore, there is sufficient material against the Applicant, which disentitles him for bail. Ultimately, they prayed for dismissal of the bail application. In support of his contentions, learned Assistant Prosecutor General, Sindh relied upon the case laws reported as Abdul Ghani versus The State through P.G, Balochistan and another [2022 SCMR 544], Nasreen Bibi versus Farrukh Shahzad and another [2015 SCMR 825], Mukhtar Javed versus The State [2017 PCr. L. J 1642], Ali Raza Azam alias Sana versus The State [2022 YLR Note 117], Imran son of Akhtar versus The State [2017 SHC 93], Kamran and another versus The State and others [PLD 2022 Lahore 645], and unreported case Mashooque Ali versus The State in Criminal Bail Application No.669 of 2025.

5. I have heard learned Counsel for the Applicant, Assistant Prosecutor General Sindh as well as Complainant's Counsel and have perused the record with their able assistance. It is an admitted position that the Applicant has been nominated in the FIR with a specific role. The record further reveals that the statement of the victim under Section 164 Cr.P.C., has been recorded, wherein she has categorically nominated the present Applicant and assigned him a specific role, alleging that he committed zina-bil-jabr (rape) with her forcibly.

6. As per the prosecution case, the alleged incident took place on 17.07.2025, whereas the medical examination of the victim was conducted on 21.07.2025. The medical certificate indicates that no fresh signs of sexual violence were observed, however, the occurrence of sexual intercourse was not denied.

7. Furthermore, the DNA report dated 15.09.2025 has been received, which matches with the DNA profile of the present applicant, thereby providing strong corroboration to the prosecution case.

8. In these circumstances, prima facie, the case of the Applicant falls within the prohibitory clause of Section 497(1) Cr.P.C., and there appears reasonable grounds to believe that the Applicant is connected with the commission of the alleged offence. Accordingly, this Criminal Bail Application filed on behalf of the Applicant is dismissed. The observations herein are tentative and confined to the decision of bail. The trial Court shall not be influenced thereby and shall adjudicate strictly on the evidence led before it.

JUDGE

Qurban

I have heard the learned counsel for the applicant as well as the learned Deputy Prosecutor General and have perused the record with their able assistance. The allegation against the applicant is of committing rape, punishable under Section 376 PPC, coupled with criminal intimidation under Section 506 PPC. The offence under Section 376 PPC carries severe punishment and falls within the prohibitory clause of Section 497 Cr.P.C.

At this stage, it is noted that the statement of the complainant is specific, consistent, and confidence-inspiring, wherein a direct allegation of forcible sexual intercourse has been levelled against the applicant. The medical examination report supports the version of the complainant, as the same is positive, thereby providing corroboration to the ocular account. It is a settled principle of law that at the bail stage, only a tentative assessment of the material is to be made and deeper appreciation of evidence is to be avoided.

The Honourable Supreme Court of Pakistan in the case of *Tariq Bashir v. The State* (PLD 1995 SC 34) has held that where reasonable grounds exist connecting the accused with the commission of an offence falling within the prohibitory clause, bail is not to be granted as a matter of course. Similarly, in *Imtiaz Ahmad v. The State* (2018 SCMR 344), it has been held that in cases of rape, if the statement of the prosecutrix is confidence-inspiring and supported by medical evidence, the same is sufficient to refuse bail at the tentative stage. Further reliance can be placed on *Muhammad Aslam v. The State* (2009 SCMR 141), wherein it was observed that the solitary statement of the victim, if found trustworthy, is sufficient for the purposes of bail refusal.

In the present case, the medical evidence prima facie supports the allegation of rape and there is no material contradiction or infirmity pointed out which may bring the case within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C. The contention of false implication raised by the defence involves disputed questions of fact which can only be determined after recording evidence at trial.

In view of the above, there exist reasonable grounds to believe that the applicant is involved in the commission of the alleged offences. Therefore, the case does not call for grant of bail. Consequently, this Criminal Bail Application filed on behalf of the Applicant is dismissed.