

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S-901 of 2026

Applicant: Ameeruddin @ Lalo son of Adit, resident of village Passan Chachar, Adilpur, Taluka and District Ghotki.

Crl. Bail Application No.S-902 of 2026

Applicant: Zameer Ahmed son of Muhammad Shahmeer @ Shahmeer, bycaste Chachar, resident of village Miran Daro, Taluka Khan Garh, District Ghotki.

Through Mr. Farhad Ali Abro advocate.

The Complainant: Shabbir Ahmed son of Illahi Bux bycaste Chachar, **through** Mr. Anwar Ali Lohar, advocate.

The State **Through** Mr. Muhammad Raza Katohar, Deputy Prosecutor General, Sindh.

Date of hearing & Orders: 28-10-2026.

ORDER.

Suresh Kumar, J.--- By this common order, I intend to dispose of the captioned bail applications moved separately by the above named applications, through which they seek post arrest bail in a case bearing crime No. 43/2026, offence u/s 376 (2) PPC converted into 376 PPC in the challan sheet registered at Police Station Adilpur, District Ghotki.

2. The facts of the prosecution case, as depicted in the FIR lodged by complainant Shabbir Ahmed Chachar on 19-05-2026 alleging therein that on 03-05-2026 at about 5:30 pm at the Bethak located in the agricultural land of accused Mushtaque Ahmed Chachar, accused Mushtaque Ahmed, Nisar Ahmed, Ameeruddin @ Lalo, Zameer Ahmed and one unknown person armed with weapons caught hold Mst. Hooran daughter of complainant from her shoulders and legs, took away her towards Dera of accused Mushtaque Ahmed and Nisar Ahmed, where her clothes were

removed and all the accused persons turn by turn committed Zina with her and issued threats of dire consequences. Ultimately complainant lodged the FIR.

3. I have heard learned counsel appearing on behalf of the applicants/accused, learned Deputy P.G for the State assisted by learned counsel for the complainant, who have fully opposed for grant of bail application. Learned counsel for the applicants/accused has relied upon the case of Muhammad Umair Raza Vs. The State (PLJ 2026 Cr.C (Note) 188), Hasnain Mustafa Vs. The State and another (2019 SCMR 1914) and an unreported case of Nawab and other Vs. The State (Crl. Bail application No.S-821 of 2025).

4. Having given due consideration to the arguments advanced by the learned counsels representing the respective parties and perused the relevant record. From the perusal of FIR it reveals that specific role of committing rape with victim Mst. Hooran is attributed to both of the above named applicants/accused. The version of the complainant is fully supported by the PWs in their 161 Cr.P.C statements as well as victim in her 164 Cr.P.C statement recorded before the learned Magistrate. After 17 days of the incident, the victim was referred for medical examination and the WMO in her provisional medical certificate opined that hymen not intact, vaginal bleeding present at the time of examination and in final opinion the WMO opined that sexual intercourse has been done, but DNA did not match with accused, which requires deeper appreciation and it would be determined at the time of trial; therefore, sufficient material is available on record to connect the applicants/accused with the commission of offence. As far as delay in lodging the FIR is concerned, it has been explained by the victim in her 164 Cr.P.C statement that FIR was

not registered by the police, finally the matter was viral in the social media and then the FIR was registered by the police, it means that delay has been properly explained by the complainant party. Moreover the delay in lodging the FIR is not fatal for prosecution case. No malafide or enmity has been brought on record to falsely implicate the applicants/accused in this case. The allegation leveled in the FIR against the accused cannot be made without any substance as it is question of honor and dignity of a family. The CDR of the accused collected by the I.O during investigation reveals that accused Ameeruddin, Zamir Ahmed and Nisar were found at the place of incident which also corroborates the version of complainant as well as victim. With due respect and regards, the facts and circumstances of the case law relied upon by learned counsel for the applicants/accused are quite distinguishable from the case in hand and same are not applicable.

5. For the foregoing reasons above, I am of considered view that the applicants/accused have failed to make out a case for the grant of bail, therefore, their bail application is dismissed.

6. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

J U D G E