IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.3071 of 2026

Applicant	:	Sharoon son of Arshad Maseeh *Through* Mr. Abdul Ghaffar Rahimoon, Advocate.
Respondent	:	The State *Through* Mr. Qamaruddin Nohri, APG duly assisted by Complainant (in person).
Date of hearing	:	03.11.2026
Date of Order	:	03.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. **-** Applicant Sharoon seeks post-arrest bail in a case bearing Crime No. 632/2026 for offence U/S 376, 338-A, 506, 34 PPC of P.S. Defence, Karachi South, after having been declined the concession by the learned trial Court through orders dated 17.08.2026 and 15.09.2026.

2. The prosecution alleges that the applicant, having obtained photographs and videos of the complainant, subjected her to sexual assault through blackmail, resulting in pregnancy, which was subsequently terminated at a clinic on 13.06.2026. He is further alleged to have extended threats of death and acid attack. The FIR was registered on 01.08.2026.

3. Learned counsel for the applicant contended that the parties were previously acquainted; that the FIR was lodged after considerable delay; that the investigation stands concluded and the challan has been submitted; and that the complainant, through her subsequent affidavit dated 03.11.2026, has not merely expressed no objection to bail but categorically disassociated the applicant from the alleged rape. Learned Assistant Prosecutor General was heard, whereas the complainant appeared in person and her affidavit was placed on record.

4. Having considered the submissions and tentatively examined the record, it appears that although the applicant was specifically nominated in the FIR and the allegations were reiterated in the complainant's statement under Section 164 Cr.P.C., a materially different circumstance has subsequently emerged. In her affidavit dated 03.11.2026, duly supported by identification verification, the complainant has expressly declared that the present applicant is not the individual who harmed or raped her. This

assertion transcends a mere no-objection founded upon compromise; it directly concerns the applicant's alleged involvement in the principal offence. While the ultimate credibility and evidentiary worth of this subsequent version must be determined at trial, its significance for the limited purpose of bail cannot be overlooked.

5. The earlier rejection orders have also been considered. The learned trial Court had declined bail upon examining the FIR, statement under Section 164 Cr.P.C., medical material and the complainant's previous no-objection. However, the subsequent affidavit dated 03.11.2026, containing an express denial of the applicant's involvement, was not available when those orders were passed. It thus constitutes a fresh circumstance warranting independent consideration, rather than a mere reiteration of grounds already adjudicated. The restriction against successive bail applications does not preclude consideration of such a material subsequent development.

6. Undoubtedly, Section 376 PPC attracts the prohibitory clause of Section 497(1) Cr.P.C., and the offence is not compoundable merely on the complainant's consent. Nevertheless, a distinction must be maintained between a compromise seeking to extinguish criminal liability and a subsequent categorical statement disputing the identity of the alleged perpetrator. The latter, when viewed against the earlier accusation, raises a substantial question concerning the applicant's involvement. Whether the original or subsequent version merits acceptance is a matter of evidence and cannot appropriately be resolved through a deeper appraisal at the bail stage.

7. The delay in registration of the FIR, the previous acquaintance between the parties and the defence plea concerning the nature of their relationship are matters requiring scrutiny at trial; none, independently, discredits the allegation of sexual assault. However, when considered cumulatively with the complainant's subsequent express disassociation of the applicant, they reinforce the necessity of further inquiry. The investigation has admittedly concluded, the report under Section 173 Cr.P.C. stands submitted and further custodial interrogation is not shown to be necessary. The confirmation of pre-arrest bail of co-accused Dr. Shaista Anjum through order dated 30.09.2026 is also part of the record, though the applicant's entitlement falls to be assessed independently on his own role and material.

8. It is settled that the gravity of an accusation, notwithstanding its falling within the prohibitory clause, does not dispense with the requirement of reasonable grounds connecting the accused with its commission. Where the available material, upon tentative assessment, renders his involvement doubtful and necessitates further inquiry, Section 497(2) Cr.P.C. comes into operation. In the present case, the materially divergent versions of the complainant, particularly her subsequent categorical statement concerning the applicant's identity, make his alleged participation a question requiring determination through evidence. His case, therefore, falls within the ambit of further inquiry without expressing any opinion on the truthfulness of either version.

9. For these reasons, the application is allowed. Applicant Sharoon Maseeh is admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac Only) and a personal bond in the like amount to the satisfaction of the learned trial Court. He shall attend the trial regularly and shall not influence or intimidate the complainant or prosecution witnesses. Misuse of the concession shall entail appropriate proceedings for cancellation of bail.

10. All observations are tentative and shall not prejudice the merits of the trial, which shall be decided independently in accordance with law.

J U D G E

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