

**IN THE HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD.**

Criminal Bail Application No.S-222 of 2025

Applicants: **1. Ahmed Ali. 2. Abdul Wahab @ Wahab. 3. Farhan Ali Shah, through Mr. Shaikh Jawaid Ali, advocate.**

Complainant: Imam Bux is present in person.

The State: Through Ms. Sana Memon, Assistant Prosecutor General, Sindh.

Date of Order: 02.06.2025.

ORDER

Muhammad Osman Ali Hadi, J – Through the instant bail application, the applicants/accused above-named seek post-arrest bail in Crime No.12/2025, u/s 377, 34 PPC, registered at PS Tando Adam City, after their bail plea has been declined by learned Additional Sessions Judge-II, Sanghar, vide order dated 27.02.2025.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel for the applicants submits that the alleged incident took place on 12.01.2025, whereas the FIR was lodged on 17.01.2025, after a delay of five days. He further states that the applicants/accused were arrested on 20.01.2025. The offence pertains to the commission of sodomy, and the charge is made under Sections 377 and 34 PPC. It is contended that there is no supporting medical evidence, and the DNA report does not match any of the applicants. Additionally, it is argued that the applicants/accused are minors and have remained incarcerated for over five months.

4. On the other hand, learned counsel for the complainant and the learned Assistant Prosecutor General (APG) vehemently oppose the grant of bail, asserting that a proper investigation has been conducted,

resulting in sufficient evidence forming the basis for lodging the FIR and initiating further proceedings. The learned APG submits that since the alleged offence is an unnatural one, the presence of eye-witnesses is unlikely. However, upon being confronted with the fact that the DNA evidence does not match the applicants/accused, both the learned counsel for the complainant and the learned APG concede to this position.

5. After hearing the learned counsel for the parties and perusing the relevant case law, I find that, in view of the applicants/accused being minors, the delay in the lodgment of the FIR, and the unmatched DNA evidence, a case for grant of post-arrest bail is made out. Accordingly, this bail application is allowed. The applicants are admitted to post-arrest bail, subject to furnishing a solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each and PR bond in the like amount to the satisfaction of the learned Trial Court.

6. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

J U D G E