

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD

Criminal Bail Application No.S-644 of 2021.

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For orders on office objections.

For hearing of main case.

10.12.2021.

Mr. Abdul Shakoor Keerio advocate for the applicant.

Mr. Pirbhulal-U-Goklani advocate for complainant.

Applicant is present on ad-interim pre-arrest bail.

Complainant is present in person.

ASI Nisar Ahmed Brohi P.S. Sakrand.

ORDER

MUHAMMAD IQBAL KALHORO, J:- It is alleged in FIR that applicant alongwith an unknown accused committed sodomy with his son Hamza on back seat of car on 25.06.2021 in which they had taken him away to a deserted place near Rind CNG Baba Sain Hotel. FIR was registered on 15.07.2021 and on that day victim was examined medically. Blood samples of applicant were taken for matching purpose however, report of DNA shows that the anal swab sample & clothes of victim do not contain any male DNA/Semen stain/sperm fractions.

Learned counsel for the complainant has stated that the victim was examined after twenty days hence there was no likelihood of finding any sample of semen or sperm fraction on the body of victim, therefore, DNA report has no importance. However, in view of DNA report learned APG has not opposed bail and states that the case requires further inquiry and evidence of complainant and witnesses may be recorded first by trial Court to determine the fact whether DNA report has any evidentiary value or not.

I have considered submissions of parties and perused material available on record. The FIR is delayed for twenty days and as stated above the DNA report does not prima facie support allegation of sodomy upon victim. As far as contention of learned counsel for complainant that DNA cannot be taken as a substantial piece of evidence and since the samples of

victim were taken after a long time, its value has receded into insignificance will be decided by trial court in the trial. Prima facie, in view of delay in FIR and medical report, the case for bail to applicant has been made out. Accordingly, this bail application is allowed and ad-interim pre-arrest bail granted to the applicant vide order 05.08.2021 is hereby confirmed on the same terms and conditions.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

**JUDGE**

Irfan Ali