

IN THE HIGH COURT OF SINDH AT KARACHI

Present

Mr. Justice Dr. Syed Fiaz ul Hassan Shah

Criminal Bail Application No.1902 of 2025

Applicant : Yaseen S/o Atta ul Haq
through Mr. Muhammad Zahoor Tanoli,
Advocate

Respondent : The State
through Mr. Muhammad Noonari, DPG

Date of hearing : 30.09.2025

Date of order : 30.09.2025

ORDER

Dr. Syed Fiaz Ul Hassan Shah, J. - Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.162/2025 for offence under Sections 377 & 511 PPC registered at PS Mominabad. His bail plea has been declined by the learned Addl. Sessions Judge-X, Karachi West [Trial Court] vide order dated 16.07.2025.

2. The facts are incorporated in the FIR and impugned and do not need to be reproduced for the purposes of deciding the bail application.

3. Learned counsel for the applicant contends that the applicant is innocent and has falsely been implicated by the complainant with malafide intention. He further states that DNA report is in favour of the applicant; that the complainant has extended No Objection for confirmation of bail to the applicant.

4. On the other hand, learned DPG has raised objection and states that bruises are available on the body part of the victim.

5. I have considered the arguments of learned counsel for the applicant and learned Addl. P.G. and perused the material with their able assistance.

6. This is a heinous crime and the applicant has not brought any malafide on the part of prosecution. Learned DPG pointed out that

bruises are available on the body part of the victim which negates the contention of learned counsel for the applicant that DNA as well as Serologist reports are in favour of the applicant. The categorical statement of the complainant that his child having age of 5 years is duly corroborated with the medical evidence. Prima facie Applicant is involved in commission of sodomy and no malafide has been attached on the part of prosecution; as such, the prosecution has a strong case. This is the case of unnatural offence which falls within the prohibitory clause of Section 497 Cr.P.C. which reads as under:

“377. Unnatural offences: Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to fine.”

7. In view of the foregoing, the applicant has failed to make out a case for grant of extraordinary concession of pre-arrest bail. Accordingly, the interim pre-arrest bail granted to the applicant vide order dated 23.07.2025 is hereby recalled.

8. It is clarified that the observations made hereinabove are tentative in nature and shall not prejudice the trial Court, which shall decide the case strictly on its merits and in accordance with law.

JUDGE

Kamran/PS