

Order Sheet  
**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD**

Cr. Bail Appl. No. S- 1485 of 2025

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DATE

ORDER WITH SIGNATURE OF JUDGE

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09.02.2026

For orders on office objections  
For hearing of main case

Mr. Mazhar Ali Leghari, Advocate for applicant  
Mr. Meer Ahmed Mangrio, Advocate for Complainant  
Ms. Sana Memon APG

**ORDER**

**Omar Sial, J.** - Allah Ditto seeks pre-arrest bail in crime number 34 of 2025 registered under sections 377, 337-A(i), and 34 P.P.C. at the Rajo Khanani police station on 19.07.2025 on information provided by Abdul Aziz. Aziz reported that on 17.07.2025, when he returned home, he found that his eight-year-old son, Azhar, was not home. Aziz was told that Azhar had gone out to get some groceries but had not returned. The family went looking for Azhar, and when they reached the otaque of Santosh, they heard screams. When they knocked on the door, Allah Ditto, alias Ali Raza (the applicant), and one Santosh emerged from inside but quickly left. A crying and half-nude Azhar was found inside the otaque, who told the family that he had been subjected to sexual violence.

2. I have heard both the learned counsels for the parties and the learned Assistant Prosecutor General. My observations and findings are as follows.

3. After the investigation was complete, the investigating officer released the applicant under Section 169 Cr.P.C., but the learned magistrate did not accept the recommendation and took cognizance against both the applicant and Santosh. The investigating officer, when asked, led to his release, said that it was Santosh who had sodomised Azhar and not the applicant. On their part, the complainants say that the applicant is the son of a local parliamentarian, and that is the only reason the police let him go. The truth will be determined at trial, but for clarity, an offence under section 377-A P.P.C. does not require penetration as a prerequisite. The punishment for sexual abuse falls within the prohibitory clause of Section 497 Cr.P.C. The investigating officer has erred on

this account. The applicant's counsel submitted that a DNA analysis was done and that the clothes of the two accused did not have any sperm on them. Once again, sexual abuse does not require ejaculation to complete the offence.

4. There is no reason why the statement of the eight-year-old survivor should not be given credence. No *mala fide* appears on the record, and none was argued by counsel. The superior courts have repeatedly held that *mala fide* is an essential requirement for pre-arrest bail.

5. The bail application is dismissed.

JUDGE

karar\_hussain/PS\*