

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

2nd Crl. Bail Application No.S-268 of 2026

Applicant : Akmal son of Mushtaque by caste Wagho,
Through Mr. Riaz Hussain Khoso, Advocate.

Complainant : Mst. Shahar Bano @ Sara w/o Abdul Jabbar
Jakhrani (In person).

The State : Through Mr. Aitbar Ali Bullo, Deputy
Prosecutor General, Sindh.

2nd Crl. Bail Application No.S-299 of 2026

Applicant : Moula Bux son of Ahmed by caste Jakhrani,
Through Mr. Mumtaz Ali Jessar, Advocate.

Complainant : Mst. Shahar Bano @ Sara w/o Abdul Jabbar
Jakhrani (In person).

The State : Through Mr. Aitbar Ali Bullo, Deputy
Prosecutor General, Sindh.

Date of hearing : 06.07.2026.

Date of decision : 06.07.2026.

ORDER

JAWAD AKBAR SARWANA, J:- Applicants/accused named above seek post-arrest bail in Crime No.06 of 2026, for offence under Sections 354-C, 375-A, 342, 506/2, 337-A(i), 34 PPC, registered at Police Station, Airport, District Jacobabad, after their bail plea was turned down by learned Additional Sessions Judge-I/GBV Court, Jacobabad, vide order dated 02.06.2026.

2. The background of the matter is that the complainant Mst. Shahar Bano @ Sara, is alleged victim in the FIR No.06/2026, offence under Section 354-C, 375-A, 342, 506/2, 337-A(i), 34 PPC. However, subsequently when the Forensic & Molecular Report for DNA Testing dated 04.05.2026, was produced before this Court, it was concluded that "*The accused Akmal Hussain s/o Mushtaq*

Ahmed & accused Mola Bux s/o Ahmed Khan (Item 4.0 & 5.0) are not the contributor of Semen stain/sperm fractions identified on both the Vaginal swab sample & Orange color printed Shalwar & Qamees of victim Shair Bano alias Sara w/o Abdul Jabbar (Item 1.0 & Item 2.1) (underlining added)."

3. Additionally, the complainant and her husband who is also witness, as per FIR, have submitted their No Objection affidavits to the bail, contending that Akmal son of Mushtaque Wagho and Moula Bux son of Ahmed Jakhrani, taken into custody, are not allegedly the individuals, named in the FIR. She concedes that "Mola Bux" and "Akmal" presently in custody, are not the persons mentioned in the FIR, as names of accused are mentioned as Moula Bux son of unknown by caste Jakhrani and Akmal son of Mushtaque by caste Wagho. When the complainant/victim and her husband, who is also witness, submitted their No Objections in Crime No.06/2026 of Police Station, Airport, Jacobabad, the lower forum did not entertain the same. Additionally, even though the above mentioned DNA Testing Report mentioned that individuals/accused Akmal Hussain son of Mushtaq Ahmed and Mola Bux s/o Ahmed Khan are not the contributor of the semen stain/sperm fractions, the Court did not consider this aspect too.

4. Learned Deputy Prosecutor General, Sindh, submits that in the circumstances based on the available documents, he has no objection for grant of bail.

5. Heard counsels and Deputy Prosecutor General. The record reveals that the offence with which the applicants are charged is non-compoundable, however, in view of No Objections of the complainant, her husband and the material placed before this Court, concerning the alleged mismatch in the identity of those taken in custody and the complainant/victim and witness husband plea that some other persons with same name have been taken into

custody due to alleged half-hearted investigation, in the circumstances, matter calls for further inquiry as envisaged Sub Section (2) of Section 497 Cr.P.C.

6. Accordingly, the applicants/accused, Akmal son of Mushtaque by caste Wagho and Moula Bux son of Ahmed by caste Jakhrani, are admitted to post-arrest bail in FIR No.06/2026, for offence under Sections 354-C, 375-A, 342, 506/2, 337-A(i), 34 PPC, registered at Police Station, Airport, Jacobabad, subject to each furnishing the solvent surety in the sum of Rs.100,000/- (Rupees One Lac) and P.R bond in the like amount to the satisfaction of trial Court.

7. Needless to state that the observations recorded hereinabove are tentative and nothing herein shall be construed to prejudice the case of either side at trial.

JUDGE