

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

Cr. Bail Application No.S-539 of 2017.

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

For hearing.

17.08.2017.

Mr. Imran Ashraf Panhwar, Advocate alongwith applicant.
Mr. Irum Ahmed D.D.P.P. for the State.

===

ABDUL MALIK GADDI,J- Applicant/accused is on interim pre-arrest bail granted to him by this Court vide order dated 10.7.2017. Today this bail application is fixed for confirmation or otherwise.

2. It is alleged that present applicant/accused with one more culprit kidnapped Veeromal, a boy aged about 10 years, kept him in wrongful confinement and then subjected him to un-natural lust and then let him go to his house, for that; the present case was registered.

3. It is contended by the learned counsel for the applicant/accused that there is delay of one day in lodging of the F.I.R; the present applicant/accused being resident of different place has been involved in this case falsely and malafidely by the complainant party; no mark of violence was found on the person of the victim; the absconsion on the part of the present applicant/accused was not willful, as he was unaware about his involvement in the present case. By contending so, he sought for pre-arrest bail for the present applicant/accused.

4. Learned D.D.P.P. for the State has opposed the grant of bail to the present applicant/accused by contending that; the applicant/accused after commission of incident with an innocent boy has preferred to go in absconsion. He further submits that applicant/accused is nominated in the F.I.R. with specific allegation that he committed sodomy with Veeromal and this fact is evident from the medical certificate of Veeromal available on the record.

5. I have given my anxious thoughts to the contention raised at the bar and perused the record.

6. Perusal of record reflects that the name of applicant/accused transpires in the F.I.R. with specific allegation that he with one more culprit took/kidnap the victim Veeromal under the pretext that; he is called by his father, then kept him confined illegally and subjected him to un-natural offence and then let him to go. In such situation, it would be pre-mature to say that the present applicant/accused being innocent has been involved in this case falsely. It is true that; no mark of violence was found on the person of the victim, but there could be made no denial to the fact that; on medical examination the victim has been found to have been committed sodomy and such allegation is against the present applicant/accused. In my tentative view that none indeed could involve an innocent person at the cost and hour of an innocent boy. It is true that there is delay of one day in lodging of the F.I.R, but the same being natural could not be resolved in favour of the present applicant/accused at this stage. The applicant/accused is not able to explain his absconsion plausibly. It also appears from the record reflecting adversely. No malafide is apparent on the record which may indicate that the present applicant/accused has been involved in this case falsely either by the police or by the complainant party. It is pertinent to mention here that while deciding the bail application before the trial Court, the present applicant/accused slipped away and his bail application was dismissed.

7. In view of what has been discussed above, I am of the opinion that this bail application has no merit and the same is hereby dismissed. Interim order passed earlier is recalled.

8. Needless to mention here that the observations made herein above are tentative in nature and shall not affect the merits of the case.

JUDGE.