

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

Cr. Bail Application No.S-521 of 2017.

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For hearing.

11.10.2017.

Applicant is present on interim bail.

Mr. Imtiaz Ali Abbasi, Advocate files power on behalf of applicant, which is taken on record.

Mr. Shahzado Saleem Nahiyoon, D.P.G for the State.

Mr. Bhagwandas Bheel, Advocate for the complainant.

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ABDUL MAALIK GADDI,J- Applicant/accused is on interim pre-arrest bail granted to him by this Court vide order dated 06.07.2017. Today this bail application is fixed for confirmation or otherwise.

2. The allegations leveled by the prosecution against the present applicant/accused are that on 09.3.2017 at 1445 hours at snooker Dubo shop of Peroj (father of the accused), he was putting his penis in the mouth of minor son of the complainant and was being sucking, hence committed un-natural offence, for that; the present case was registered.

3. It is stated by the learned counsel for the applicant/accused that applicant/accused is innocent and has been falsely implicated in this case due to enmity by the complainant by leveling false allegations, otherwise the applicant/accused has no concern with the alleged offence. He further submits that there is delay of 19 days in lodging of the F.I.R, for which no explanation has been furnished by the complainant. He further submits that as per contents of F.I.R, the alleged offence has taken place in the snooker shop, which is populated area so it was day time but despite this fact the complainant has not cited any independent person from the locality as witness of such alleged offence. He further submitted that as per contents of F.I.R, no un-natural offence (sodomy) was committed with the boy/victim, but the complainant has leveled false allegations of sucking penis, as according to him, there is no medical evidence produced by the complainant

and there is no eye witness except words of complainant party. He further submits that as per contents of F.I.R, no offence under section 377, PPC is made out against the applicant/accused and complainant has lodged this false F.I.R. due to admitted enmity only to humiliate and disgrace the applicants/accused. By contending so, case of present applicant/accused requires further inquiry and he has sought for pre-arrest bail for the present applicant/accused.

4. Learned D.P.G for the State assisted by learned counsel for the complainant has opposed the confirmation of interim bail to the present applicant/accused by contending that; the name of present applicant/accused is appearing in the F.I.R. with specific allegations that he was putting his penis in the mouth of minor Moazim and was being sucking and complainant alongwith two other eye witnesses saw the present applicant in doing so at snooker (Dubo) shop of Peroj, who is father of the accused and this alleged offence is against the society, therefore, he is not entitled for confirmation of interim bail already extended in his favour.

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 present applicant/accused transpires in the F.I.R. with specific allegations that he was putting his penis in the mouth of minor boy Moazim, who was aged about 07 years. This incident was seen by eye-witnesses namely Abdul Jabbar and Bilawal Tangri, whose statements u/s 161, Cr.P.C. were recorded wherein they have also supported the case of prosecution. In such situation, it would be premature to say that the present applicant/accused being innocent has been involved in this case falsely. The ground of delay in lodging the F.I.R. has been well explained by the complainant, because her F.I.R. was not lodged by the police and thereafter she approached to the concerned Court and after getting orders from the Court, she register the present case. It is true that this type of offence is said to be against the society. This alleged offence is serious in nature and sensational in character and shocking to the public morality, hence does not reserve any leniency. During course of arguments, learned counsel for the applicant has failed to point out any enmity with the

complainant party, therefore, in my tentative view that none indeed could involve an innocent person at the cost and hour of an innocent boy. 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.

7. In view of above facts and circumstances of the case, I am of the opinion that this bail application has no merit and the same stands dismissed. Interim order passed earlier in favour of the applicant is hereby recalled.

8. Since the matter pertains to year 2017, therefore, the trial Court is directed to expeditiously proceed with the matter and decide the same within a period of four months after receipt of this order without granting any unnecessarily adjournments to either side. Compliance report be submitted to this Court through Additional Registrar.

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

Office is directed to send the copy of this order to the learned trial Court for information and compliance.

JUDGE.