

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 911 of 2020

Saifullah.....Applicant

Versus

The State.....Respondent

Date of Hearing and Order :- **24.07.2020**

Mr. Muhammad Haroon Shaikh, advocate for applicant
Mr. Sagheer Abbasi, APG for the State

ORDER

FAHIM AHMED SIDDIQUI, J: Applicant Saifullah son of Mehmood Khan is seeking bail involved in FIR No. 257/2019 lodged at PS Gulshan-e-Maymar, Karachi u/s 377-B PPC. The learned trial Court has already declined the third bail plea of the applicant through impugned order dated 22.06.2020.

2. I have heard the arguments advanced from either side and perused the available record in the light of valued submissions made before me. After edifying myself from the arguments advanced and perusal of record, I have observed as under:

- a) The allegation against the applicant is that when son of complainant namely Ghulam Murtaza aged about 09 years went to grocery shop of the applicant, the applicant commit sodomy with him. Accordingly, the applicant was caught hold by the complainant with the help of other mohallah people and handed over to the police.
- b) Learned counsel for the applicant submits that the place of incident is shown to be a kiryana shop in the FIR as such it cannot be imagined that alleged offence can be committed at such place in a day time.
- c) DNA test report shows that sample of victim does not contain any male DNA/Semen stain/Sperm Fraction.

d) Some dispute regarding taking loan of money is also alleged between the complainant and applicant which may be used as a tool in the shape of alleged crime by the complainant.

3. Based on the above observation, I am fully convinced that a case of bail has been made out in favour of the applicant. Resultantly, the instant bail application was allowed and the above named applicant was admitted to bail subject to furnishing surety in the sum of Rs. 100,000/- (rupees one lac only) and PR bond in the like amount to the entire satisfaction of trial Court.

4. Before parting, I would like to make it clear that if the applicant, after getting bail, remains absent from trial Court and if the trial Court is satisfied that the applicant has become absconder then the trial Court is fully competent to take every action against the said applicant and his surety including cancellation of bail without referring the matter to this Court.

5. It is clarified that all of the above observations are purely tentative and will have no bearing upon the trial of the applicant.

J U D G E