

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

Criminal Bail Application No.S-953 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case.

21.12.2020.

Mr. Ayaz Ali Gopang, Advocate for the applicant.
Mr. Shahid Ahmed Shaikh, Deputy Prosecutor General, Sindh for
the State.

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Irshad Ali Shah J.- It is alleged that the applicant with rest of the culprit committed sodomy with boy Mittal alias Mito, recorded such event in memory card and then placed it in social media, for that the present case was registered by the police.

2. On having been refused post-arrest bail by the learned 3rd Additional Sessions Judge, Shaheed Benazirabad, the applicant has sought for the same from this Court by making the instant bail application under section 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely; the FIR has been lodged with delay of about six days; no incident of sodomy has taken place as is evident of the DNA report. By contending so, he sought for release of the applicant on bail on point of further inquiry.

4. Learned Deputy Prosecutor General, Sindh for the State has opposed to release of applicant on bail by contending that he has

actively participated in commission of incident by committing sodomy over the victim.

5. I have heard learned counsel for the parties and perused the record.

6. The FIR of the incident has been lodged with delay of about six days; such delay having not been explained plausibly could not be overlooked. No mark of violence on medical examination was found on the person of the victim. DNA report is negative. The applicant is said to be in custody since nine months without effective progress in trial. Co-accused Lal Bux has already been let-off by the police. The case has finally been challaned and there is no apprehension of tampering with the evidence on the part of the applicant. In these circumstances, a case for grant of bail to the applicant on point of further inquiry obviously is made out.

7. In view of above, the applicant is admitted to bail subject to his furnishing surety in sum of Rs.100,000/- (Rupees One Lac) and PR bond in the like amount to the satisfaction of learned trial Court.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish Steno*