

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

Criminal Bail Application No.S-1112 of 2020

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| <b>DATE</b> | <b>ORDER WITH SIGNATURE OF JUDGE</b> |
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1. For orders on office objections.
2. For hearing of main case.

**23.12.2020.**

Mr. Muhammad Zainuddin Baloch, Advocate for the applicant.  
Ms. Sobia Bhatti, Assistant Prosecutor General, Sindh for the State.  
Mrs. Habiba Raza Hussain, Advocate for the complainant.

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**Irshad Ali Shah J.-** It is alleged that the applicant with rest of the culprits committed sodomy with PW Suresh Kumar, for that the present case was registered.

2. The applicant on having been refused pre-arrest bail by the learned Additional Sessions Judge-I, Tharparkar at Mithi, has sought for the same from this Court by making the instant bail application under section 498 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 by the complainant party in order to satisfy its old enmity with him; the FIR has been lodged with delay of more than two months and no mark of violence was found on the person of victim. By contending so, he sought for pre-arrest bail for the applicant on point of further inquiry and malafide.

4. Learned Assistant Prosecutor General, Sindh for the State and learned counsel for the complainant have opposed to grant of bail to the applicant by contending that he has committed the offence which is effecting the society at large.

5. I have heard considered the arguments and perused the record.

6. The FIR of the incident has been lodged with delay of more than two months; such delay having not been explained plausibly could not be overlooked. The 161 Cr.P.C statements of the PWs have been recorded on different dates which appear to be significant. Provisional Medical Certificate does not suggest any mark of violence on the person of victim. The applicant has joined the trial. The parties are said to be disputed. In these circumstances, a case for grant of pre-arrest bail to the applicant on point of further inquiry and malafide obviously is made out.

7. In view of above, the interim pre-arrest bail already granted to the applicant is confirmed on same terms and conditions.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish Steno\*