

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

Criminal Bail Application No.S-1135 of 2020

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

1. For orders on office objections.
2. For hearing of main case.

15.01.2021.

Mr. Sajid Ali Soomro, Advocate along with applicants.
Ms. Sobia Bhatti, A.P.G for State.
Complainant Ghulam Mujtaba in person.
=

Irshad Ali Shah J.- It is alleged that the applicants in furtherance of their common intention attempted to commit sodomy to PWs Husnain Mujtaba and Faraz Ali, for that the present case was registered.

2. The applicant on having been refused pre-arrest bail by learned Additional Sessions Judge-II, Kotri have sought for the same from this Court by way of instant application under section 498 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant in order to satisfy with them their political rivalry; and the FIR has been lodged with delay of about (07) days. By contending so, he sought for pre-arrest bail for the applicant on point of further enquiry and malafide.

4. Learned Assistant Prosecutor General for the State who is assisted by the complainant has opposed to grant of pre-arrest bail to

the applicants by contending that the offence alleged against them is affecting the society.

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

6. The FIR of the incident has been lodged with delay of about thirteen (07) days; such delay having not been explained plausibly could not be overlooked. As per FIR it is the case of mere attempt to commit sodomy. The 161 Cr.P.C statements of the PWs Husnain Mujtaba and Faraz Ali even otherwise have been recorded with further delay of one day even to FIR, which appears to be significant. The parties are said to be having political rivalry with each other. In these circumstances, a case for grant of bail to the applicants on point of further inquiry and malafide is made out.

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

8. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa.