

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

Criminal Bail Application No.S-120 of 2022

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

15.04.2022

Mr. Bhooro Bheel, Advocate for the applicant.
Mr. Ali Muhammad Noonari, Deputy Prosecutor General, Sindh.
The complainant in person.

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Irshad Ali Shah J.- It is alleged that the applicant subjected PW Moazam a boy aged about 10/11 to unnatural lust, for that the present case was registered.

2. The applicant on having been refused post-arrest bail by learned II-Additional Sessions Judge, Hyderabad has sought for the same from this Court by making instant bail application u/s: 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 by the police otherwise complainant has declared him to be innocent by filing his affidavit before this Court; therefore, he is entitled to be released on bail on point of further inquiry.

4. Complainant Muhammad Shabbir alias Sabir has recorded no objection to release of the applicant on bail. However, learned Assistant Prosecutor General for the State has opposed to release of the applicant on bail by contending that the offence which he allegedly has committed is affecting the society at large.

5. Heard arguments and perused the record.

6. The F.I.R of the incident has been lodged with delay of about one day; such delay could not be overlooked. As per DNA report profiles/Semen/Stain/Sperm fraction of the applicant were not found matched with anal swabs samples and cloth of the PW/victim Moazam. More so, the

complainant now by filing his affidavit before this Court has recorded no objection to grant of bail to the applicant by declaring him to be innocent. In these circumstances, a case for release of the applicant on bail on point of further inquiry obviously is made out.

7. In case of *Muhammad Najeeb vs. State (2009 SCMR-448)*, it has been held by Honourable Supreme Court of Pakistan that;

“complainant initially had nominated the accused in the FIR but later-on through an affidavit he has expressed his satisfaction with regard to innocence of the accused, the case of the accused was of further enquiry”.

8. In view of above, the applicant is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- and P.R bond in the like amount to the satisfaction of learned trial Court.

9. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish*