

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

Criminal Bail Application No.S-29 of 2022

Criminal Bail Application No.S-46 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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29.04.2022

M/s. Ashique Hussain D. Solangi and Imdad Ali Ujjan,
Advocates for applicants.

Ms. Sana Memon, Assistant Prosecutor General, Sindh for
State.

Mr. Ali Najaf Memon, Advocate for complainant.

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Irshad Ali Shah J:- It is alleged that the applicants with the rest of the culprit in furtherance of their common intention attempted to commit carnal intercourse with young boy aged about 13 years and on his resistance thrown him from the rooftop of their Madarsa; consequently he died on sustaining injuries and then put an attempt to destroy the evidence to save themselves from legal consequences, for that the present case was registered.

2. The applicants on having been refused post arrest bail by learned Additional Sessions Judge, Sehwan have sought for the same from this Court by making two separate applications under section 497 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 party; the F.I.R of the incident has been lodged with delay of about two days and DNA report is not implicating the applicants in commission of incident, therefore, the applicants are entitled to be released on bail on point of further inquiry.

4. Learned Assistant Prosecutor General, Sindh for the State and learned counsel for the complainant have opposed to release of the applicants on bail by contending that the applicants have actively participated in commission of incident.

5. Heard arguments and perused the record.

6. The applicants are named in FIR with specific allegation that they attempted to commit carnal intercourse with the deceased and on his resistance thrown him from the rooftop of their Madarsa consequently he died after sustaining injuries on account of his fall on the ground. In that situation, it would be premature to say that the applicants being innocent have been involved in this case falsely by the complainant party. The complainant party apparently was having no reason to have involved the applicants falsely in commission of incident in case like the present one. DNA report is irrelevant simply for the reason that it was a case of an attempt to commit carnal intercourse with the deceased allegedly by the applicants. The delay in lodgment of F.I.R is explained in F.I.R itself and same even otherwise could not be resolved by this Court at this stage. There appear reasonable grounds to believe that the applicants are guilty of the offence with which they are charged.

7. In view of above, it could be concluded safely that no case for grant of bail to the applicants is made out, consequently, the instant bail applications are dismissed with directions to learned Trial Court to expedite disposal of very case preferably within three months after receipt of copy of this order.

JUDGE

Muhammad Danish*

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Heard. For the reasons to follow, captioned bail applications
are dismissed.

JUDGE

*Muhammad Danish**