

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-266 of 2021

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

29.10.2021.

Applicants are present on interim pre-arrest bail.
Mr. Haji Qalandar Bux Leghari, for complainant.
Ms. Sobia Bhatti, Assitant P.G.

ORDER

MUHAMMAD IQBAL KALHORO, - Applicants are accused of committing sodomy with son of complainant namely Suleman, aged about 12 years, luring him away from village on a motorcycle at Nillah Mori at 10:00 a.m. on 21.03.2021. The matter was however reported on 22.03.2021 at 2030 hours after more than 36 hours. The victim was medically examined on the same date at about 10:20 p.m. In the investigation, blood samples of applicants were also taken and sent with anal swabs and clothes of the victim for DNA profile. The report shows that the same i.e. anal swabs and cloths of the victim do not match with DNA samples of the applicants and the report is in negative.

2. Learned Defence Counsel is not present. However, on his behalf Mr. Agha Abdul Nabi, Advocate is holding brief. Learned Counsel for the complainant has opposed bail and submits that atleast an injury on the ankle of the victim was found at the time of his examination and there is no mala fide on the part of complainant to implicate the accused, hence, they are not entitled to bail.

3. Learned Assistant Prosecutor General, however, has not opposed bail to the applicants and submits that in the light of negative report their custody is not required.

4. I have heard the parties including applicants in person. Although, the applicants have been assigned specific role by the victim but his version prima facie is not supported by medical evidence and anal swabs and clothes of the victim did not match with DNA profile of the applicants. There is also delay in registration of F.I.R.

5. In view of above discussion, I am of the opinion that applicants' case requires further inquiry into their guilt and they are entitled to bail. Resultantly, the application is allowed and the ad-interim pre-arrest bail already granted to the applicants vide order dated 02.04.2021 is hereby confirmed on same terms and conditions.

6. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE

Shahid