

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

Criminal Bail Application No.S-255 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.
For hearing of main case.

05-06-2023

Mr. Altaf Sachal Awan advocate for applicants along with applicants.

Mr. Nazar Muhammad Memon A.P.G. Sindh.

MUHAMMAD IQBAL KALHORO, J:- FIR was registered on 20.12.2022 by the complainant reporting an incident dated 15.09.2022 alleging that his son Ali Mardan, with whom applicants had made an attempt to commit sodomy, went to purchase grocery on 14.09.2022 but did not return. Efforts for finding him out did not bear any fruit. On 15.09.2022 his body was found in the hedges / bushes near house of Amin in the cotton crop. It was taken to the hospital for postmortem and finally complainant appeared at PS and insinuated suspicion against the applicants in FIR that they after committing sodomy with him committed his murder.

2. Investigation started, *prima facie* no evidence was found against the applicants. Their blood samples were also taken for matching profile with the samples taken from the dead body but the report as per Additional Prosecutor General came in negative. He has further submitted that except name of the applicants in FIR, based on suspicion, *prima facie* no evidence has been gathered by the I.O. Learned defense counsel apart from above grounds has also drawn attention to the delay of about three months in registration of FIR.

3. In view of above facts and grounds the case against the applicants is of further inquiry, their role and involvement in the offence is yet to be determined. Not only element of the *mala fide* on the part of complainant but also merits of the case while deciding pre-arrest bail application can be taken into account. Therefore, this application is allowed and ad-interim pre-arrest bail already granted to the applicants vide order dated 27.03.2023 is hereby confirmed on the same terms and conditions.

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

JUDGE