

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl. No.1065 of 2024

15.10.2024

Mr. Barner Newton, Advocate for applicant.

Mr. Usman Siddiqui, advocate for complainant.

Ms. Rahat Ahsan, Addl. P.G.

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ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Rehmat Masih is seeking pre arrest bail in Crime No.64/2024 U/s 377 PPC of P.S. Mehmoodabad, Karachi. He is present on interim pre arrest bail granted to him vide order dated 20.05.2024, and matter is fixed for confirmation or otherwise.

2. Complainant has alleged in the FIR registered on 24.02.2024 that applicant/accused committed sodomy with his son on 16.02.2024 inside his house of which he came to know when his son was feeling pain in his lower body and not able to move properly. After the FIR, the victim was examined medically and report came in positive.

3. Learned counsel in defence has argued that name of the applicant is Rehmat whereas in FIR his name has been mentioned as Asif and there is delay of 08 days in registration of FIR. His arguments have been rebutted by learned counsel for complainant and learned APG, who has relied upon PLD 2020 SC 293.

4. I have heard the parties and perused material available on record including the case law. There is prima facie evidence against the applicant in shape of direct allegations by the victim. Applicant is said to be a teacher and had called the victim in his house on some excuse, where he allegedly committed sodomy with him. These allegations have been confirmed in the medical examination of the victim. There is no enmity of the complainant with the accused to falsely implicate him in this heinous offence. Prima facie, the case has been made out and the delay per se in registration of FIR is no ground to grant extra ordinary concession of pre arrest bail.

5. In view of above circumstances, this application is dismissed and the order granting interim pre arrest bail to the applicant is hereby recalled.

The observations made herein above are tentative in nature and would not prejudice case of either party at trial.

The Cr. Bail Applications are disposed of.

JUDGE

