

**THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

Criminal Bail Application No.S-352 of 2022.  
Criminal Bail Application No.S-707 of 2022.

---

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
-------------	--------------------------------------

---

For orders on office objection.  
For hearing of main case.

26.08.2022.

Mr. Mashooque Ali Mahar advocate for the applicants.  
Ms. Sana Memon Assistant Prosecutor General, Sindh.  
Applicants are called absent.

**ORDER**

MUHAMMAD IQBAL KALHORO, J:- It is alleged that on pretext of visiting, son of complainant namely Rano Baladi was taken by applicants to Sehwan, where they stayed a night in some Otaq and allegedly committed sodomy with him. The incident surfaced only after the video of said incident went viral and seen by complainant. When complainant inquired from his son, he admitted and said that on the show of firearms he was subjected to sodomy by the applicants and due to shame and honor, did not disclose it.

Learned counsel for the applicants has pleaded bail on the grounds that both the parties are of same caste; there is enmity between them; DNA report is in negative and there is delay of more than two months in registration of FIR.

Learned Assistant Prosecutor General has however rebutted the same and submitted that applicants do not deserve concession of pre-arrest bail and negative report of DNA is of no importance as samples for DNA were taken only after 2 ½ months of the incident.

A perusal of record shows that the FIR was registered only after the complainant approached learned Justice of Peace and got an order from him. And only thereafter investigation was taken up by police. Samples for DNA were taken yet after 15 days of registration of FIR dated 01.02.2022. In such circumstances, DNA report cannot be given much importance unless it is subjected to evidence before learned trial Court. The applicants are specifically nominated in FIR and alleged to have committed sodomy with son of complainant, the evidence of which is available in shape of video clip which was made viral on social media. No malafide can be

ascribed to complainant in such circumstances. Delay in registration of FIR is of no importance either as complainant came to know of this incident only after video clip of his son being subjected to sodomy came to his notice, who out of shame and honor could not inform his father. Relief of pre-arrest bail is not available to an accused who appear to be connected with the offence heinous in nature. Therefore, both the bail applications are dismissed and ad-interim pre-arrest bail granted to the applicants vide orders dated 24.05.2022 and 04.07.2022 is hereby recalled.

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

JUDGE

Irfan Ali