

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**Crl. Bail Application No. S- 933 of 2026**

Applicants: Mushtaque Ali son of Ashique Ali Gopang
through Mr. Ali Murtaza Shah, Advocate.

The State Through Mr. Muhammad Raza Katohar,
Deputy Prosecutor General, Sindh.

ORDER.
21.10.2026.

Suresh Kumar, J.--- The applicant named above seeks confirmation of the ad-interim pre-arrest bail granted to him by this Court via order dated 22 September 2026, in a case bearing crime No. 85/2026, for the offence under Section 377, read with Section 511 of the Pakistan Penal Code (PPC), registered at Police Station Kodiji, District Khairpur.

2. The brief facts of the case, as depicted in the FIR, are that on 30 June 2026, the complainant, Walidad, lodged an FIR alleging that the present applicant/accused, along with co-accused, attempted to commit sodomy with Abdul Hakeem, aged 11 or 12 years, the son of the complainant. After narrating the incident to his relatives, who advised him to lodge the FIR, he went to the police station and filed the FIR.

3. I have heard the learned counsel appearing on behalf of the applicant/accused and learned DPG for State. Complainant along with victim present in person. Learned DPG strongly opposed for confirmation of interim pre-arrest bail.

4. Having given due consideration to the arguments advanced by the counsel for the respective parties, I have perused the relevant material. From the perusal of the FIR, it reveals that there is an allegation of an attempt to commit sodomy/unnatural offence against co-accused Shahbaz alias Abdul Sattar, while the present accused has been assigned the role of

holding the victim. The FIR further reveals that the incident is shown to have taken place on 27 June 2026, while the FIR was lodged on 30 June 2026. Such a delay of three days has not been plausibly explained; therefore, consultation and deliberation cannot be ruled out. Moreover, the applicant/accused has been assigned the role of holding the victim, while the principal accused, Abdul Sattar, attempted to commit sodomy, and no medical certificate is available, nor was the offence allegedly completed. Therefore, the case against the applicant/accused requires further inquiry. It is also pointed out by the counsel for the applicant that the dispute arises between the applicant/accused and the complainant's party over children's affairs; therefore, mala fides on the part of the complainant cannot be ruled out, particularly in circumstances where only an attempt is shown in the FIR, which can easily be concocted. The applicant/accused has joined the investigation and has been regularly appearing before the trial court as well as before this Court, and has not misused the concession of pre-arrest bail.

5. For the foregoing reasons and the guidance taken from the above case laws, I am of the considered view that the applicant/accused has successfully made out a case for the grant of pre-arrest bail. Therefore, the interim pre-arrest bail already granted to the applicant is hereby confirmed on the same terms and conditions, with a direction to appear before the trial court.

6. Needless to mention that the above observations are tentative in nature and will not prejudice the case of parties at the time of trial.

J U D G E

