

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Bail Application No. S-94 of 2025

(Intizar @ Dara Malik Vs. The State)

Date	Order with signature of Judge
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- 1. For Orders on office objection.
- 2. For hearing of bail application.

ORDER.
20-03-2025.

Mr. Muhammad Nasir Malik, advocate for the applicant.
Mr. Kashif Mushtaq Bohio, advocate files power on behalf of complainant, which is taken on record.
Syed Sardar Ali Shah Rizvi, Additional P.G for the State.

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Ali Haider 'Ada',J:- Through this application, applicant/accused Intizar aliad Dar son of Nazar Muhammad by caste Malik seeks post arrest bail in Crim No. 01/2025, offence u/s 377, 511 PPC registered at Police Station Darya Khan Mari, District Naushahro Feroze. Prior to this his bail application was declined by learned Additional Sessions Judge Moro/Gender Based Violence Court Naushahro Feroze.

2. Brief facts of the prosecution case are that complainant Habibullah lodged the FIR on 07-01-2025 alleging therein that on 06-01-2024 his son Aijaz Ali aged about 12/13 returned to house, while weeping he disclosed that accused Intizar Hussain alias Dara Malik served him tea at his hotel and then brought him at Saw machine situated beside his hotel where he kissed him, removed his shalwar and tried to commit Zina-bil-jabr with him, but he cried, accused asked him to be kept silent and will give him money, but he returned to his home. On hearing such facts, the complainant along with his another son Shabbir met with accused at his village and demanded Faisla. Ultimately complainant appeared at police station and lodged the FIR.

3. Learned counsel for the applicant/accused contended that applicant is innocent and falsely been implicated in this case duly to political rivalry as the applicant is affiliated with GDA and contested the election for the post of councilor from the platform of GDA while the complainant is affiliated with Ruling party and in order to take revenge, the applicant is political

victimized; that prior to this the applicant was also involved in another case by the police; that present complainant being tout of the police has lodged the instant FIR; that the medical certificate is challenged before the medical board and such report is still awaited. He place his reliance on the case reported as 2008 YLR 2722.

4. Mr. Kashif Mustaq Bohio is filing a vakalatnama on behalf of the complainant; He contends that there is no political enmity between the parties, as the applicant committed a heinous crime. While the complainant has good friendship terms with the applicant and the applicant took advantage of that relation and teased the complainant with his act and lastly adds that applicant is not entitled for grant of bail.

5. Learned Additional PG submits that medical evidence is fully supported the case of prosecution and there is no any ulterior motive on the part of complainant to lodge false FIR, while the applicant has faintness plea that due to political issue, he was involved,, finally prays for dismissal of bail application.

6. Heard arguments at length and perused the material available on record.

7. The Sexual abuse is inserted by way of Criminal Law Second Amendment Act 2016 and the object of introducing is to protect children who from a vulnerable segment of the society and are unable to guard and comprehend the consequences of action.

8. The case of prosecution is substantiated by a comprehensive array of evidence including ocular set and collaborated by the medical records whereby Medical officer opined that after examination on the view that lightening of scratches on both sides inguinal region the victim had been tried to attempt of sexual assault.

9. The applicant is directly charged to commit an offence with minor specifically a sexual act, as a result of accused leveraging a good terms with father of minor. The action also undermined the established trust and confidence between the parties, the victim in operation under the assumption of close friendship of accused with his father and held the

utmost respect for him and victim had absolutely no reason to doubt that the accused cherished him as like as a son.

10. I am fortified with the cases of Aon Ali Vs. The State (2021 PCr.L.J 115) and Najum-ul Hassan alias Irshad Vs. The State (2021 YLR Note 141).

11. From the tentative assessment of material available in record, prima facie, applicant is connected with the alleged offence. Consequently the bail application of applicant being meritless is hereby dismissed; however, learned trial court is directed to conclude the trial within the period of 04 months under intimation to this court.

12. Needless to say the above reasons are tentative in nature and shall not influence the trial.

J U D G E

Nasim/P.A