

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

Cr. Bail Application No. S-536 of 2026

Applicants : (i) Mumtaz @ Mado Oad s/o Lakhi Oad
@ Mevo.
(ii) Bachayo Oad s/o Lakhi Oad @ Mevo
Oad.

Through Mr. Shoukat Ali Kaka,
advocate.

Respondent : The State
Through Mr. Irfan Ali Talpur, Deputy
Prosecutor General.

Date of hearing : 25-08-2026

Date of order : 25-08-2026

ORDER

JAWAD AKBAR SARWANA, J.- Through the captioned post-arrest bail application, applicants/accused Mumtaz @ Mado Oad and Bachayo Oad seek post-arrest bail in Crime No.137/2026, registered at Police Station Kotri, Jamshoro, for the offence U/S 365-B PPC. Earlier, the learned Additional Sessions Judge-II, Jamshoro, declined their first post-arrest bail application vide order dated 24.04.2026.

2. As per the FIR lodged on 26.03.2026 at about 2030 hours, complainant (Ramesh Kumar s/o Hazari) alleges that on 17.03.2026 at about 1130 hours, 4-persons everyone 1) Pervaiz having pistol in his hand, 2) Mado Oad, 3) Bachayo Oad and one unknown person entered inside his house and on the pointation of pistol accused Pervaiz and Mado kidnapped his mother Mst. Shabeeran w/o Hazari aged about 48-years. Hence this FIR.

3. Learned counsel for the applicant submits that the applicants are innocent and have falsely been implicated in the present case due to ulterior motives. The complainant and the victim/mother have also given "No Objection" to the grant of bail to the applicants.

4. Learned Assistant Prosecutor General has vehemently opposed the grant of bail, stating that the "No Objection" means that the applicants/accused had admitted the offence and he had patched up the matter with the complainant and victim outside the Court; that the applicants/accused are very much involved in the heinous offence with

the victim. He argues that the statement of victim under section 161 Cr.P.C recorded after her recovery also corroborates the version of prosecution case; therefore, the applicants/accused are not entitled for the concession of post-arrest bail.

5. I have heard the learned counsel for the parties, and examined the material available on record.

6. Admittedly, the applicants have been nominated in the F.I.R. with a specific role. The offence with which the applicants/accused have been charged is non-compoundable. Yet, there were/are apparently no material/private witnesses to the crime except for the complainant and the victim herself. At this stage, the challan has already been submitted before the trial Court, and the physical custody of the accused/applicants is no longer required for investigation, with the trial poised to commence. The accused/applicants cannot be kept behind bars indefinitely merely because they have been named in the F.I.R. Further, the learned A.P.G. has conceded that the applicants/accused have neither previous convictions nor appear to be hardened criminals. Based on the A.P.G.'s observations, the accused do not appear, prima facie, to be a threat to society at this stage, even given the allegations charged. Keeping the applicants/accused incarcerated would serve no meaningful purpose, with the trial yet to commence. The entire matter remains, at the end of the day, subject to trial. The affidavits of "No Objection" of the complainant as well as the victim, wherein she has voluntarily expressed her "No Objection" to the grant of post-arrest bail, do not come into play given that the offence under Section 365-B PPC is not compoundable, notwithstanding, that keeping in view the totality of the facts and circumstances, the legal plane and position, and with the caveat that this case may not be treated as a precedent, and given the record and foregoing observations, without expressing any opinion on the merits of the case, which may prejudice either party at the trial, the applicants/accused case calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

8. Consequently, for the foregoing reasons, as the case requires further inquiry in to the guilt of the applicants/accused, the said applicants/accused, namely (i) Mumtaz @ Mado Oad s/o Lakhi Oad @ Mevo and (ii) Bachayo Oad s/o Lakhi Oad @ Mevo Oad, ~~are~~ are entitled to grant of concession of post-arrest bail subject to their

furnishing solvent surety in the sum of **Rs.200,000/- (Rupees Two Lacs Only) each** and P.R. bond in the like amount to the satisfaction of the learned trial Court.

9. Needless to mention that the observations made herein are merely tentative and shall not be relied upon by the parties or by the trial Court and shall not influence the learned trial Court at the time of final decision based on merits after recording of evidence.

10. The bail application is allowed, and the applicants/accused may be released on the above terms.

Sd---Jawad Akbar Sarwana
Judge