

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS
CrI. Bail Application No.S-401 of 2025

Applicant: Sikander s/o Muhammad Arif
Through Mr. Afzal Kareem Virk, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Date of hearing: 18.02.2026

Date of Order: 18.02.2026

ORDER

Miran Muhammad Shah, J: Through this Order, I intend to dispose of above-mentioned bail application, whereby the applicant/ accused seeks post arrest bail in F.I.R No.107 of 2025 for offence punishable under sections 375-A, 377, 367-A P.P.C and 3(ii) T.I.P Act, 2013 of PS Kot Ghulam Muhammad, after rejection of his bail plea by the learned Additional Sessions Judge-II/ GBV/Anti Rape, Mirpurkhas vide Order dated 05-12-2025.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Per learned counsel for the applicant, the applicant is innocent and he has been falsely implicated in this case by the complainant; that complainant is not eye witness of alleged incident; that the alleged victim in his statement u/s 164 Cr.P.C has not nominated applicant and co-accused in the alleged offence; that alleged victim was taken to the hospital on 12-10-2025 i.e. after two days of alleged incident; that FIR is delayed for about four days without any plausible explanation; that applicant is a minor

and student of HSC; the case of the applicant requires further inquiry. Lastly he prayed for the grant of bail to the applicant.

4. On the other hand, learned DPG opposed for the grant of bail to the applicant while arguing that applicant is nominated in the FIR with specific allegation of committing sodomy with a special child/victim; all the material witnesses have been examined by the trial court and case is likely to be concluded in near future; that the alleged offence falls under the prohibitory clause of section 497 Cr.P.C. Lastly he prayed for dismissal of instant bail application.

5. I have heard learned counsel for the applicant and learned D.P.G so also gone through the depositions filed by learned counsel for the applicant, it is very clear that the complainant and the witnesses have retracted from their earlier version and very categorically have not implicated the present applicant/ accused in commission of the alleged offence. The evidence of the victim is also doubtful as learned Prosecutor states that he is a special child and his evidence was taken through the interpreter. The interpreter's deposition has also been filed, who also does not support the prosecution's case and states that the victim's statement is not coherent as he has not obtained proper education. It seems that prosecution's main evidence has already concluded which does not support the prosecution's case. The fate of the trial would not likely change even if the medical evidence is taken on record, since the material witnesses do not implicate the present applicant /accused in the matter and there is highly likelihood that present applicant be acquitted from the charge. Keeping the applicant behind the bars at this stage would not serve any purpose as per dicta laid down by the honourable superior Courts that rule is bail and not

jail, therefore, I am of the conclusion that case for the grant of bail is made out against the applicant/ accused. The applicant/ accused Sikander s/o Muhammad Arif is granted bail subject to furnishing solvent surety in the sum of Rs.100,000/= (Rupees One Hundred Thousand only) and P.R.Bond in the like amount to the satisfaction of learned trial Court

6. The observations made in this decision are of a tentative nature and will not influence the merits of the case.

The instant bail application is disposed of accordingly.

JUDGE

Saleem