

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.1494 of 2025

Applicant: Muhammad Abu Bakkar through Khuwaja Saiful Islam, Advocate

Complainant: Abdul Rehman through Mr. Basim Ali Dahri, Advocate

Respondent: The State through Mr. Mumtaz Ali Shah, Assistant Prosecutor General Sindh.

Date of hearing: 10.3.2026

Date of order: 10.3.2026

ORDER

TASNEEM SULTANA, J :-- Through this Criminal Bail Application, the applicant seeks pre-arrest bail arising out of Crime No.1576 of 2024 registered under Section 377 PPC at P.S. Surjani Town, District West, Karachi. His earlier Bail Application No.2008 of 2025 was dismissed by learned Additional Sessions Judge-X, Karachi West vide order dated 05.5.2025; hence, this application for the same concession.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to mala fide and professional jealousy; that the FIR was lodged after exchange of harsh words between the parties regarding poor academic performance of the child; that the applicant is a religious scholar and Pesh Imam with a good reputation; that the medical report is doubtful and no incriminating evidence connects him with the alleged offence; that the parents of the alleged victim demanded 40–50 lacs for withdrawal of the case, which shows mala fide; and lastly prayed for confirmation of interim pre-arrest bail.

4. Conversely, learned A.P.G., assisted by learned counsel for the complainant, opposed the bail application and submitted that the applicant has been nominated in the FIR with a specific role; that the victim, aged about 13 years, has supported the prosecution case in his statement recorded under Section 161 Cr.P.C.; that the medical evidence and DNA report corroborate the ocular account; and that sufficient material

is available on record and the case does not fall within the ambit of further inquiry.

5. Heard. Record perused.

6. It appears from the record that the applicant has been nominated in the FIR with the allegation of committing an unnatural offence with a minor boy aged about 13 years. The statement of the victim under Section 161 Cr.P.C. prima facie supports the prosecution case. The medical evidence and DNA report also at this stage corroborates the allegation against the applicant. Since offences of such nature are ordinary committed in privacy, independent evidence is seldom available; therefore, the statement of the victim, prima facie, is sufficient to connecting the applicant with the alleged offence, which falls within the prohibitory clause of Section 497(1) Cr.P.C.

7. The arguments regarding mala fide, false implication, and defects in medical evidence also call for deeper appreciation of evidence, which is only possible at the stage of trial. At the bail stage, the Court is not required to conduct a roving inquiry into the merits of the case. Moreover, pre-arrest bail is an extraordinary relief, which is to be granted sparingly and only in exceptional circumstances to protect innocent persons from mala fide or ulterior motives of arrest. In the present case, no such exceptional circumstances have been brought on record which may justify the grant of such discretionary relief.

8. In view of the above facts and circumstances, the applicant has failed to make out a case for further inquiry within the meaning of Section 497(2), Cr.P.C. Consequently, the instant bail application is dismissed, and the interim pre-arrest bail granted to the applicant vide order dated 04.06.2026 is hereby recalled. These are the reasons of my short order dated 10.03.2026.

9. Needless to observe that the observations made herein are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE

Nadeem