ORDER SHEET

# IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-561 of 2026

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| Applicant: | Niaz Muhammad son of Bux Ali Rind through M/s. Asif Ali Bughio and Muzamil Khan Bughio, Advocates. |
| Complainant: | Through Mr. Mukesh Kumar Oad, Advocate. |
| The State: | Through Mr. Altaf Hussain Khokhar, D.P.G for the State. |
| Date of hearing: | 26.10.2026. |
| Date of order: | 26.10.2026. |

## O R D E R

***OMAR SIAL, J.*** Niaz Muhammad the applicant, has sought post arrest bail in crime number 24 of 2025 registered under sections 377 & 377-B, 511 P.P.C. at P.S. Gupchani, District Shaheed Benazirabad. Earlier, his application seeking bail was dismissed on 28.08.2025 by the learned Additional Sessions Judge-III at Shaheed Benazirabad.

2- Based on information Gul Hassan provided to the Gupchani police station on 15.06.2026, F.I.R. No. 24 of 2025 was registered against Niaz Mohammad under sections 377, 377-B, and 511 P.P.C. Gul Hasan reported that his 12-year-old son, Zameer, had gone to graze the family buffaloes on 14.06.2025. Gul Hasan later went to the place where his son had taken the buffaloes. His cousins, Mohammad Hanif and Asad Ali, also accompanied him. The three men heard Zameer shrieking and then saw Niaz Mohammad (the applicant) in a semi-naked state with Zameer. Upon seeing the three men, Niaz Mohammad ran away. Zameer then told his father that Niaz Mohammad was sexually abusing him.

3- The learned counsel submitted that the medical reports show that sodomy was not committed and that, at best, it was an attempt. He also submitted that Gul Hasan had approached the applicant's father asking for the hand of some lady (who remained unidentified), for his cousin Ashraf, but when the father refused, Gul Hasan registered this false F.I.R. The learned Deputy Prosecutor General has strongly opposed the grant of bail.

4- I have heard the applicant's learned counsel and the learned Deputy Prosecutor General. The complainant was present with Zameer; however, did not wish to engage counsel due to poverty. My observations and findings are as follows.

5- Even if true, the learned counsel's argument that bail should be granted because sodomy was not committed but that an attempt to sodomize was made lacks any weight. Even an attempt to sodomize a minor cannot be condoned. Perhaps the purpose of the submission was that if it was an attempt, the sentence might be reduced. Be that as it may, the complaint, if correct, could also fall under section 375 P.P.C., carrying a punishment of death or life imprisonment (376(3) P.P.C.), if the victim is a minor. Further, section 377-B P. P.C. (sexual abuse) stipulates a punishment of fourteen to twenty years' imprisonment. The punishment falls within the prohibitory clause of section 497 Cr.P.C.

6- The defence raised by the applicant at this stage, on a tentative assessment, is weak and not believable. The little boy narrated his ordeal and appeared traumatized. There appears to be no reason for him to lie or for his father to frame the applicant because his father had not agreed to Ashraf marrying some lady of their family. The truth will emerge at trial; however, until then, releasing the applicant may be dangerous to society at large.

7- The bail application is dismissed.

J U D G E

Ahmed/Pa,