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

Criminal Bail Application No.S-769 of 2026

Applicant	:	Zaheer Ali son of G. Akbar Jiskani, through Mr. Ghazi Salahuddin Panhwar.
Complainant	:	Nazar Hussain son of Muhammad Sharif, present in person.
Respondent	:	The State through Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh.
Date of hearing	:	**29.09.2026**
Date of Order	:	**08.10.2026**

O R D E R

JAWAD AKBAR SARWANA, J:- Through instant Bail Application, the applicant named above seeks post-arrest bail in Crime No.28 of 2025 registered under Section 376 PPC at Police Station Tando Ghulam Ali, after his bail plea was declined by the learned Additional Sessions Judge-II, Badin vide order dated 07.03.2025.

2. The background of the matter as set out in the FIR and for the sake of brevity is not reproduced herein and is reiterated herein ad seriatim.

3. On 31.01.2025 at 1630 hours, when the complainant was at home, his 6-year-old daughter, who had gone out to gather grass for the goats, came back home crying alongside her brother, who was also weeping and informed that the accused/applicant Zaheer, complainant's nephew (his Khala's son), had hurt her and on gathering further information, the complainant, including family, gathered that their 6-year-old daughter had been allegedly raped. The complainant apparently tried to address the matter informally, albeit unsuccessfully, through some Nekmards; whereafter, he reported the crime to the Police on 13.02.2025. As per the final MLC, the six-year-old victim's hymen was found ruptured. Further, as per the DNA report, the accused contributor's sample on the blue-coloured shalwar matched with the sperm found on the victim's clothes.

4. Heard learned counsel for the applicant, APG and perused the record. As per the record available, the DNA report is squarely finds the accused to have

allegedly committed rape of the 6-year-old victim. The final MLC also show that the hymen was ruptured and corroborates the occurrence of rape. Thus, the sexual assault certificate confirms the offence of rape under Section 376 PPC. Additionally, in the statement under Section 161 CrPC, the victim has confirmed the identity/nominated and named the accused/applicant, who is also the nominated accused as per the FIR. As the matter presently stands, the statement of the six-year-old victim fully implicates the applicant for the offence of rape, leaving the doors shut on further investigation and no need for any further inquiry in the crime except for trial. In this connection, the challan has also been submitted.

5. Contention by the counsel that the hymen should have resulted in blood and as there was no blood stain, no rape is reduced to a cypher, given the positive DNA and final MLC against the applicant/accused, and the statements of the complainant, victim, etc., which do not exonerate the applicant/accused at this stage.

6. For the foregoing reasons, applicant/accused Zaheer Ali son of G. Akbar Jiskani has not been able to make out a case for post-arrest bail at this time. Consequently, the post-arrest bail application is dismissed.

7. Needless to mention, the observations made hereinabove are tentative in nature and shall not prejudice the trial Court in any manner at the stage of trial.

JUDGE

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