

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

Criminal Bail Application No.S-1079 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections. 2. For hearing of main case.

**23.12.2020.**

Mr. Ahmed Nawaz Chang, Advocate for the applicants.  
Ms. Sobia Bhatti, Assistant Prosecutor General, Sindh for the  
State.  
Mrs. Habiba Raza Hussain, Advocate for the complainant.

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**Irshad Ali Shah J.-** It is alleged that the applicants with rest of the  
culprit committed sodomy with PW Suresh Kumar, for that the present  
case was registered.

2. The applicants on having been refused pre-arrest bail by the  
learned Additional Sessions Judge-I, Tharparkar at Mithi, have sought  
for the same from this Court by making the instant bail application  
under section 498 Cr.P.C, which is objected by learned counsel for the  
complainant by filing her written objections.

3. It is contended by learned counsel for the applicants that the  
applicants being innocent have been involved in this case falsely by  
complainant party in order to satisfy its old enmity with them; the FIR  
has been lodged with delay of more than two months and no mark of  
violence was found on the person of victim. By contending so, he  
sought for pre-arrest bail for the applicants on point of further inquiry  
and malafide.

4. Learned Assistant Prosecutor General, Sindh for the State and learned counsel for the complainant have opposed to grant of bail to the applicants by contending that they have committed the offence which is effecting the society at large.

5. I have heard considered the arguments and perused the record.

6. The FIR of the incident has been lodged with delay of more than two months; such delay having not been explained plausibly could not be overlooked. The 161 Cr.P.C statements of the PWs have been recorded on different dates, which appear to be significant. Provisional Medical Certificate does not suggest any mark of violence on the person of victim. The applicants have joined the trial. The parties are said to be disputed. In these circumstances, a case for grant of pre-arrest bail to the applicants on point of further inquiry and malafide obviously is made out.

7. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish Steno\*