

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

Criminal Bail Application No.S-06 of 2021

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

08.02.2021.

Mian Taj Muhammad Keerio, Advocate for applicant.
Ms. Sobia Bhatti, A.P.G for State.
Mr. Siraj Ahmed Khoso, advocate for complainant.
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Irshad Ali Shah J.- It is alleged that the applicant subjected Zaheer Ahmed, a boy aged about seven years, to unnatural lust, when he went to have religious teaching from him, for that the present case was registered .

2. The applicant on having been refused post-arrest bail by learned Additional Sessions Judge, Khipro has sought for the same from this Court by way of instant application under section 498 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party on account of religious dispute; the FIR has been lodged with delay of about six hours and DNA report is in negative therefore, the applicant is entitled to his release on bail on point of further enquiry.

4. Learned Assistant Prosecutor General for the State and learned counsel for the complainant have opposed to grant of post-arrest bail to the applicant by contending that the DNA report is inconclusive and

the offence alleged against the applicant is affecting the society at large.

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

6. The applicant is named in FIR with specific allegation that he subjected PW Zaheer Ahmed, a boy aged about seven years to unnatural lust, when he went to him to have religious education. On medical examination the swelling with pain on anal region of the victim has been noticed. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant party in order to satisfy its religious dispute with him. None indeed would involve an innocent person in case like present one at the cost and honour of an innocent boy carrying an stigma for life. DNA report is inconclusive; therefore, it extends no support to the case of the applicant tentatively. The delay of about six hours in lodgment of FIR could hardly be termed as a fatal to the case of prosecution; it even otherwise was natural in case like the present one. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged. In these circumstances, it could be concluded safely that no case for grant of bail to the applicant is made out. Consequently, the instant bail application is dismissed with direction to learned trial Court to expedite the disposal of very case against the applicant and conclude it preferably within three months after receipt of copy of this Order.

JUDGE

