

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

Criminal Bail Application No.S-400 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
<u>12.07.2021.</u>	For hearing of main case.

Mr.Shakir Nawaz Shar, Advocate for applicant.
Ms. Sobia Bhatti, A.P.G for State.
Complainant present in person.

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Irshad Ali Shah J.- It is alleged that the applicant with one more culprit in furtherance of their common intention committed sodomy with PW ShahbazAli, for that the present case was registered.

2. The applicant on having been refused post-arrest bail by learned 3rdAdditional Sessions Judge, Shaheed Benazirabad has sought for the same from this Court by preferring instant applications under section 497 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 in order to satisfy his dispute with him over landed property; the FIR of the incident has been lodged after due consultation that too with delay of about 07 hours; DNA report and chemical examiner's report are not implicating the applicant in commission of incident, therefore, the applicant is entitled to be released on bail on point of further inquiry.

4. Learned Assistant Prosecutor General for the State, who is assisted by the complainant has opposed to release of the applicant on bail by contending that the offence which the applicant is alleged to have committed is affecting the society at large.

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

6. The FIR of the incident has been lodged by complainant Shoukat Ali after consultation with the elders that too with delay of about 07 hours; such delay having not been explained plausibly could not be overlooked. The report of the chemical examiner and DNA report are not implicating the applicant in commission of incident. The parties are said to be disputed over landed property. In these circumstances, a case for grant of bail to the applicant on point of further inquiry obviously is made out.

7. In view of above, the applicant is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- and P.R bond in the like amount to the satisfaction of learned trial Court.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish Steno.