

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
 Crl. Bail Application No.S-804 of 2023
 (Siraj Ahmed and another Vs. The State)

1. For Orders on office objection.
2. For Orders on MA No. 6952/2023 (Ex./ A).
3. For hearing of bail application.

ORDER.

15-01-2024.

Mr. Sheeraz Fazal, advocate for the applicant.

Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

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Irshad Ali Shah, J;- It is alleged that the applicants subjected PW Hussain Bul a boy aged about 5/6 years carnal intercourse, for that the present case was registered.

2. The applicants on having been refused post arrest bail by learned IVth Additional Sessions Judge/Gender Based Violence Court, Khairpur, have sought for the same from this Court by way of instant Bail Application u/s 497 Cr.P.C.
3. Heard arguments and perused the record.
4. The FIR of the incident has been lodged with delay of about two days; such delay having not been explained plausibly could not be overlooked; it is reflecting consultation and deliberation. DNA report is not implicating the applicants in commission of the incident. The applicant too are appearing to be young boys of 11 and 13 years of age respectively; therefore they are entitled to benefit of Ist Proviso to section 497(i) Cr.P.C. The case has finally been challaned and there is no likelihood of absconsion or tampering with the evidence on the part of the applicants. In these circumstances the case for the release of applicants on bail on point of further enquiry is made out.
5. In view of above, the applicants are admitted to bail subject to their furnishing solvent surety in sum of Rs.50,000/- (Fifty thousand) each and P.R bond in the like amount to the satisfaction of learned trial Court.
6. The instant bail application is disposed of accordingly together with listed application.

Judge

Nasim/P.A