

IN THE HIGH COURT OF SINDH AT KARACHI.

Cr. Bail Appln. No. 1911 of 2025.

Applicant : Muhammad Adeel Khan through
Mr. Syed Zainuddin Agha,
Advocate.

Complainant : Tabish Hussain Mr. Naheed
Afzal Khan, Advocate.

Respondent : The State through
Mr. Qamaruddin Nohri, D.P.G.
Sindh

Date of hearing : 17.12.2025.

Date of order : 22.01.2026.

O R D E R.

TASNEEM SULTANA-J.:- Through this Criminal Bail Application, the applicant seeks pre-arrest bail in Crime No.257/2025 registered at Police Station Mominabad, Karachi, for the offences punishable under Sections 377, 468, 471 and 420 P.P.C. Earlier, the applicant's plea for pre-arrest bail was allowed, but same was recalled by the learned Judge-X, Karachi West, vide order dated 14-07- 2025.

2. Brief facts of the prosecution case, are that the complainant/victim has alleged that the applicant, upon developing acquaintance with him in connection with his admission in an educational institution, induced and exploited him on the pretext of getting his papers cleared; that on different occasions he was allegedly subjected to the act falling within the mischief of section 377 P.P.C.; that the applicant allegedly extended threats of exposing his photos and videos; that forged/fake educational documents were allegedly provided to him; and that an amount of Rs.1,500,000/- was allegedly obtained from him on the pretext of arranging employment, thereby attracting the offences relating to cheating and forgery.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated; that the case has been lodged with mala fide intention to harass and pressurize the applicant; that the allegations, as disclosed, relate back to the years 2016-2018, whereas

the F.I.R. has been registered in 2025, reflecting an inordinate and unexplained delay, which creates serious doubt about the veracity of the prosecution version; that the complainant/victim has remained silent for years despite claiming repeated acts, which, at this stage, renders the case one of further inquiry; that the offences relating to alleged forged documents and alleged monetary transaction are also matters requiring documentary scrutiny and deeper appreciation; that no independent corroboration has been pointed out at this stage to justify arrest of the applicant; that the Sindh Forensic DNA and Serology Laboratory report does not support the prosecution stance, as no seminal material was identified on the anal swabs and no further DNA analysis was conducted; and that in the given circumstances, the extraordinary remedy of pre-arrest bail is warranted to protect the applicant from arrest and humiliation.

4. Conversely, learned A.P.P. assisted by learned counsel for the complainant opposed the application and contended that the applicant is specifically nominated in the F.I.R. with an assigned role; that the allegations disclose commission of a serious and heinous offence falling within the scope of section 377 P.P.C., coupled with allegations of cheating and forgery; that the complainant/victim has categorically levelled allegations of repeated exploitation and threats; that the statement of the complainant/victim has been maintained consistently before the police and also before the Magistrate; that the delay alone cannot override the gravity of offence in such like matters; and that the applicant is not entitled to the concession of pre-arrest bail.

5. Heard. Record perused.

6. It appears that the prosecution has alleged that the applicant, after developing acquaintance with the complainant/victim in connection with his admission in an educational institution, subjected him on different occasions to an act falling within the scope of section 377 P.P.C.; that the applicant allegedly extended threats of exposing and making viral his photos/videos in order to keep him under pressure; that forged/fake educational documents were allegedly provided to him; and that an amount of Rs.1,500,000/- was allegedly obtained on the pretext of arranging employment, thereby attracting the offences relating to cheating and forgery. It further appears that the complainant/victim has also recorded his statement under section 164, Cr.P.C.; however, the final evidentiary worth thereof is to be assessed by the learned trial Court at the appropriate stage.

7. It is also manifest that the allegations, in substance, relate back to the period 2016–2018, whereas the F.I.R. has been lodged in 2025, reflecting an inordinate delay, which at this stage has not been plausibly explained. It is also noted that the Sindh Forensic DNA and Serology Laboratory report (SFDL Case No. SFDL-2025-308) reflects that no seminal material was identified on the anal swabs of the complainant/victim and, therefore, no further DNA analysis was performed. All these circumstances, when viewed cumulatively and on a tentative assessment, *prima facie*, bring the case within the ambit of further inquiry as contemplated under section 497(2) Cr.P.C., and the matter requires determination by the learned trial Court after recording of evidence. Reliance is placed on the case of **Zaigham Ashraf v. The State and others (2016 SCMR 18)**, wherein it has been held by honourable Supreme Court as under:

"To curtail the liberty of a person is a serious step in law, therefore, the Judges shall apply judicial mind with deep thought for reaching at a fair and proper conclusion albeit tentatively however, this exercise shall not to be carried out in vacuum or in a flimsy or causal manner as that will defeat the ends of justice because if the accused charge, is ultimately acquitted at the trial then no reparation or compensation can be awarded to him for the long incarceration, as the provisions of Criminal Procedure Code and the scheme of law on the subject do not provide for such arrangements to repair the loss, caused to an accused person, detaining him in jail without just cause and reasonable ground."

8. Accordingly, this bail application is allowed and the interim pre-arrest bail granted to the applicant vide order dated 25.07.2025 is hereby confirmed on the same terms and conditions.

The above observations are tentative in nature and shall not prejudice either party at the trial.

JUDGE