

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-231 of 2026.

Applicant: Tahir son of Rafique by caste Sheedi,
Through Mr. Aghis-u-Salam Tahirzada, Advocate.

Complainant: Muhammad Hussain (in person).

Respondent: The State
Through Mr. Altaf Hussain Khokhar, D.P.G for State

Date of hearing: 20.04.2026
Date of order: 20.04.2026

ORDER

Syed Fiaz ul Hassan Shah, J: Through instant bail application, above named applicant seeks his admission to post arrest bail in Crime No.185 of 2025 registered under section 377, 34 PPC, with P.S Tando Bago District Badin. After the arrest applicant preferred his bail plea before the Court of 2nd Additional Sessions Judge, Badin vide Criminal Bail Application No.64 of 2026 and same was dismissed vide order dated 08.01.2026; hence, instant bail application has been maintained.

2. The applicant was booked in the aforesaid crime for the commission of an unnatural offence with victim Afzal, the son of complainant Muhammad Hussain aged about 14 years as on the relevant date allegedly accused Shabir and Tahir (applicant) took him to the banks of Khan Wah in bushes near the Devies area, Tahir Sheedi allegedly held the victim's arms while Shabir Sheedi forcibly removed the victim's trouser and committed sodomy, hence this FIR.

3. It is inter-alia contended by the counsel for applicant that applicant/accused is innocent and has falsely been involved in the case by the complainant due to enmity; that the case is unseen evidence and registered after five days of delay and there is no medical or DNA report that may connect the applicant with the commission of crime. He next contended that co-accused Shabir son of Allah Dino has already been granted bail in Cr.B.A.No.S-97 of 2026 by this Court vide order dated 06.04.2026 and the case of

present applicant / accused is on better footing to that of co-accused Shabir; therefore, under the rule of consistency he is also entitled for concession of same relief.

4. On the other hand, learned D.P.G while opposing to grant of bail admitted that the medical report is silent in regard to commit the sodomy with the victim.

5. I have heard the learned counsel for parties and perused the record.

6. It is a matter of record that the co-accused, Shabir, has already been admitted to bail by this Court. Allegedly, the role assigned to the present applicant, Tahir Sheedi, is merely that of 'ineffective participation' (holding the victim's arms), whereas the principal allegation of the act of sodomy was attributed to the co-accused. Since the principal accused has been granted bail, the present applicant stands on a much better footing. On the principle of parity, the applicant is also entitled to the concession of bail. For the sake of convenience, the relevant findings of this Court in **Cr.B.A.No.S-97 of 2026** dated 06.04.2026, whereby co-accused Shabir was granted bail, are summarized as under:

*"The FIR was lodged with an unexplained delay of five days, which suggests deliberation and casts doubt on the prosecution's spontaneity. Furthermore, the Medical Officer's report dated 27.10.2025 categorically states '**no injury found during examination**', and the DNA reports do not support the complainant's allegations. Despite the incident allegedly occurring in a populated area, no independent witnesses have been cited. Since the medical evidence fails to corroborate the ocular account, the case squarely falls within the ambit of '**further inquiry**' under **Section 497(2) Cr.P.C.** Moreover, there is no apprehension that the applicant would tamper with evidence or influence witnesses if released."*

7. In view of tentative assessment as well as the plea of rule of consistency, the learned counsel for the applicant has made out a case for grant of bail in favour of applicant/accused, therefore, the bail application is **allowed**. Consequently, the applicant is granted concession of post arrest bail subject to furnishing his solvent surety in sum of Rs.200,000/- and P.R bonds in the like amount, to the satisfaction of Trial Court.

8. Needless to say that any finding given or the observations recorded herein-above, it is only for the purpose of deciding this bail application, which will not affect the merits of case before the Trial Court in any manner and the Trial Court will try the case without being influenced from any observation.

J U D G E