

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-97 of 2026.

Applicant: Shabir son of Allah Dino,
Through Mr. Ahmed Nawaz Chang, Advocate.

Complainant: [nemo]

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

Date of hearing: 06.04.2026
Date of order: 06.04.2026

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. 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 (applicant) and Tahir 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 the applicant with the commission of crime.

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. Admittedly, the alleged incident has taken place on 22.10.2025 at 2000 hours while the complainant lodged instant FIR on 26.10.2025 at 1330 hours after the delay of about 5 days without any plausible explanation, hence due deliberation and consultation cannot be ruled out and the same requires for further inquiry despite of the fact that collection of DNA report as well as medical report do not reveal anything as alleged by the complainant in his FIR. This unexplained lapse in time, prima facie, casts a shadow of doubt upon the veracity and spontaneity of the prosecution version. Moreover, the opinion recorded by the M.L.O. in his report dated 27.10.2025 states that “**no injury found during examination**”, which makes the case for further inquiry into the guilt of accused as the case is unseen and presently the prosecution has no corroborative piece of evidence that may suggest from the medical record that the applicant has committed act of sodomy which too requires probe. It is a well-settled proposition of law that at the stage of bail, a deeper appreciation or detailed evaluation of the evidence is neither permissible nor desirable. The Court is only required to make a tentative assessment to determine whether the accused has made out a case for the grant of bail. Furthermore, medical examination report does not substantiate the allegations regarding the alleged offence. The absence of such crucial corroborative evidence weakens the prosecution stance at this preliminary stage. It is also noticeable that despite the alleged occurrence having taken place in a populated area, but no witness has been cited. The allegation against the applicant, though grave in nature, requires deeper examination at trial to determine its truthfulness. Prima facie, the available material suggests that the case of the applicant falls within the ambit of *further inquiry* as contemplated under Section 497(2), Cr.P.C. In view of the above discussion, and keeping in view the settled principles governing the grant of bail, I am of the opinion that the case of the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C. It is not case of the prosecution that applicant if he is released on bail he will temper or destroy the evidence nor prosecution shown any apprehension to threat the prosecutions' witnesses. In view of tentative assessment, the learned counsel for the applicant has made out a case for grant of bail, 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.

7. 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

Ahmed/Pa,