

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1403 of 2026

Applicant : Muhib Ahmed, through Ms. Sahiya Naureen, Advocate.

Respondent : The State, through Mr. Qamaruddin Noher DPG.

Date of hearing : 25.05.2026.

Date of judgment : 25.05.2026.

ORDER

TASNEEM SULTANA – J:- Through this Criminal Bail Application, the applicant/accused Muhib Ahmed seeks post-arrest bail arising out of FIR No.464 of 2025, registered at Police Station Bilal Colony, Karachi Central, for an offence punishable under section 377-B, P.P.C. The applicant's post-arrest bail application was dismissed by the learned Additional Sessions Judge - II, Karachi Central, vide order dated 31.01.2026. It may be noted that an earlier Criminal Bail Application No.862 of 2026 filed by the applicant before this Court was dismissed as withdrawn vide order dated 06.05.2026. The present bail application has thereafter been filed.

2. The brief facts of the prosecution case are that on 24.12.2025, the complainant Tariq Ahmed Noorani was present at the residence of his son situated at Mateen Residency, Sector 5-H, New Karachi, when his paternal grandson namely Moosa Noorani, aged about 3½ years, went outside during a power outage and, after some time, returned in a distressed condition while crying. Upon examination, blood was allegedly found oozing from the back side of the child. It was further alleged that when the child was questioned regarding the cause thereof, he pointed towards the present applicant/accused and disclosed that the latter had committed an unnatural act with him inside his flat. The applicant was thereafter apprehended and handed over to the police, whereupon the present crime was registered against him.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in the present case; that the complainant has subsequently sworn an affidavit expressing no objection to the grant of bail to the applicant; that the prosecution version is not free from doubt; that the DNA samples were not transmitted to the forensic laboratory with due promptitude; that the applicant has no previous criminal record and is no more required for investigation; that the material collected by the prosecution is insufficient to bring the case within the ambit of section 497(1), Cr.P.C.; therefore, he is entitled to the concession of post-arrest bail.

4. Conversely, learned Deputy Prosecutor General opposes the bail application and contended that the offence falls within the prohibitory clause of section 497, Cr.P.C.; that the victim is a child of tender age; that the medical evidence supports the prosecution case; that the victim's statement under section 164, Cr.P.C. was recorded during investigation; that sufficient incriminating material is available on record connecting the applicant with the commission of the alleged offence; therefore, the applicant is not entitled to the concession of post-arrest bail.

5. I have considered the submissions advanced by learned counsel for the applicant and learned Deputy Prosecutor General for the State and have gone through the material available on record with their able assistance.

6. At the very outset, it may be observed that although an earlier Criminal Bail Application No.862 of 2026 preferred by the applicant before this Court was dismissed as withdrawn vide order dated 06.05.2026, the same was not adjudicated upon on merits. Therefore, the present bail application is being examined on its own merits.

7. On a perusal of the record, it appears that the allegation against the present applicant is that he committed an unnatural act with the victim, a child aged about 3½ years. The record further reflects that blood was noticed oozing from the back side of the victim after the occurrence and, upon inquiry, the victim allegedly implicated the present applicant in the commission of the alleged offence. It further transpires that during the course of investigation, the victim was medically examined and his statement under section 164, Cr.P.C. was recorded before the learned Judicial Magistrate.

8. The record further reflects that the forensic samples collected during investigation were examined by the Sindh Forensic DNA and Serology Laboratory. According to the forensic report, seminal material was detected on the external anal swab of the victim as well as on a stain section taken from his pants. The report further indicates that the DNA profile obtained from the sperm fraction of the external anal swab matched the DNA profile obtained from the blood sample of the applicant. Further, the DNA profile obtained from the sperm fraction of the stain section taken from the victim's pants was also found to match with the DNA profile obtained from the applicant's blood sample. Prima facie, the aforesaid forensic evidence furnishes strong incriminating material connecting the applicant with the commission of the alleged offence and cannot be lightly disregarded at this stage.

9. The contention of the learned counsel for the applicant regarding the affidavit of no objection furnished by the complainant does not materially advance the case of the applicant. The offence alleged against the applicant is non-compoundable in nature and the subsequent willingness of the complainant not to pursue the matter does not by itself absolve the applicant of the criminal liability arising therefrom. The remaining contentions raised on behalf of the applicant pertain to disputed questions

of fact requiring deeper appreciation of evidence, which falls within the exclusive domain of the learned trial Court and cannot be undertaken while deciding a post-arrest bail application. At this stage, the Court is only required to tentatively assess the material collected during investigation and not the subsequent stance adopted by the complainant.

10. In view of the above facts and circumstances, I am of the view that no case for further inquiry within the meaning of section 497(2), Cr.P.C. is made out. Consequently, the applicant has failed to make out a case for the concession of post-arrest bail and the instant Criminal Bail Application is dismissed.

11. Needless to mention that the observations made hereinabove are tentative in nature and shall not prejudice the learned trial Court in deciding the case on merits.

JUDGE

Nadeem Qureshi *PA*