

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Application No.S-720 of 2026

(Masood alias Maqsood Ghoto & another v. The State)

Mr. Zaheeruddin Kalwar, Advocate along with applicants.

Date of Hearing: **28-07-2026**

Date of Order: **28-07-2026**

ORDER

ZULFIQAR ALI SANGI, J.- Through the instant Criminal Bail Application, the applicants/accused, namely Masood alias Maqsood Ghoto and Bilawal alias Bilal Kalwar seek concession of Pre-arrest bail in Crime No.251 of 2026, registered at P.S, A-section, Ghotki, for offences punishable under Sections 377, 511, 337L(ii), 337A(i), 34 PPC, after their bail application was declined by the learned trial Court vide order dated 23.07.2026.

2. Briefly stated, the prosecution case, as set out in the FIR lodged by complainant Rao Usama on 15.07.2026, is that he is serving as a Constable in the Special Protection Unit (SPU), Police Department. Accused, namely Maqsood, son of Muhammad Hassan Ghoto, and Bilal alias Bilawal, son of Akbar Kalwar, are also Constables in the Police Department. Due to their acquaintance, the accused persons allegedly used to invite the complainant to their Otaq for meals. According to the complainant, upon his request, the accused arranged a dinner for 14.07.2026. In response to the invitation, the complainant, accompanied by his brother Rao Afaque and his cousin Junaid, son of Rao Muhammad Akbar Rajput, went to the Otaq of accused Bilal @ Bilawal Kalwar situated near Khaki Shah Graveyard, Ghotki. On arrival, they found both accused present there and remained seated while waiting for dinner. It is alleged that at about 10:00 p.m., both accused suddenly took out pistols from their waistbands, pointed them towards the complainant party and overpowered the complainant. The accused allegedly removed the complainant's shalwar and attempted to commit an unnatural sexual assault (zina) upon him. When the complainant

offered resistance, accused Maqsood allegedly struck him with the butt of his pistol on the left side of the back of his neck and on the first finger of his left hand, whereas accused Bilal allegedly inflicted pistol-butt blows on the complainant's left thigh and other parts of his body. Thereafter, both accused allegedly subjected the complainant to kicks and fist blows. complainant and his companions raised cries for help, which attracted neighbouring people to the place of occurrence. On seeing the people gathering, both accused allegedly fled from the Otaq. The complainant then put on his shalwar and returned home along with his companions. He narrated the occurrence to his family members and other respectable persons (Nekmards), who advised him to report the matter to the police, obtain a medical examination, and initiate legal proceedings. Resultantly, on the following morning, complainant approached the concerned Police Station, obtained an injury letter, and was medically examined at Taluka Hospital, Ghotki, where MLC No. 4942/26 dated 15.07.2026 was issued. Thereafter, he lodged the present F.I.R.

3. Learned counsel for the applicants contended that the applicants are innocent and have falsely been implicated in the present case due to ulterior motives; that there is inordinate delay of one day in lodgment of FIR, for which no plausible explanation has been offered by the complainant; that the allegations levelled in the F.I.R. are false, fabricated, and highly improbable, particularly when all the parties belong to the same Police Department and were known to each other; that the prosecution story suffers from material inconsistencies and improbabilities, which render the allegations doubtful and require further inquiry; that no independent evidence has been produced connecting the applicants with the alleged commission of the offence, and the accusations have been levelled merely to humiliate and disgrace them; that there exists no likelihood of their absconding or tampering with the prosecution evidence. Lastly, he prayed for grant of extraordinary relief of pre-arrest bail.

4. Heard learned counsel for the applicants and perused the material available on record. The submission regarding the alleged delay of approximately one day in the registration of the FIR also carries no substantial force at this tentative stage. The alleged delay is neither inordinate nor of such magnitude as to adversely affect the credibility of

the prosecution case, particularly where the allegations relate to an offence involving the sexual assault. It is well settled that in cases of this nature, some delay in approaching the police is not uncommon, as the family of the victim often remains under severe mental trauma, social stigma and emotional distress before initiating criminal proceedings.

5. Moreover, a tentative assessment of the material placed before this Court reveals that the applicants stand specifically nominated in the FIR with the allegation that he attempted to commit zina upon the complainant. The allegations contained in the FIR, when examined in conjunction with the material collected during investigation, prima facie furnish reasonable grounds to believe that the applicant is connected with the commission of the alleged offence. Offences involving sexual assault or attempted sexual assault constitute crimes of exceptional gravity, offending not only the bodily integrity of the victim but also the collective conscience of society. Such offences, by their very nature, require the Courts to exercise utmost caution while considering a request for bail.

6. It is settled law that while deciding pre-arrest bail application, the Court is not required to conduct a detailed appreciation of evidence or determine the truthfulness of the prosecution case; rather, it is only required to examine whether the applicants have established circumstances warranting the extraordinary protection of pre-arrest bail. The applicants have failed to produce any material indicating that the F.I.R. was lodged out of personal vengeance, mala fide, or with any ulterior motive. Mere denial of the allegations or assertion of innocence was held insufficient to invoke the extraordinary jurisdiction under Section 498-A, Cr.P.C. In the absence of convincing evidence demonstrating abuse of the process of law, the applicants were not entitled to the discretionary relief of pre-arrest bail.

7. Under these circumstances and considering the gravity and nature of the allegations supported with medical evidence, and in absence of material showing mala fide or abuse of the process of law, I am of the considered view that the applicants have failed to make out a case for grant of the extraordinary concession of pre-arrest bail. Accordingly, the pre-arrest bail application is **dismissed**.

8. It is clarified that the observations made hereinabove are purely tentative in nature, confined exclusively to the determination of the present bail application, and shall not prejudice or influence the learned trial Court while deciding the case on its own merits after recording the evidence.

JUDGE