IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2630 of 2026
a/w
Criminal Bail Application No.2367 of 2026

Applicants [in Cr.B.A No.2630/2026]	:	1. Jamsheed S/o. Ahmed Khan 2. Farman S/o. Riyaz Through: Mr. Nadeem Ahmed Azar advocate.
Applicant [in Cr.B.A No.2367/2026]	:	Hammad S/o. Haq Nawaz Through: Mr. Zain ul Haq advocate.
Complainant	:	Zahid Khan s/o. Ameer Khan in person.
The State	:	Through Ms. Najma Latif Golo, Assistant Prosecutor General, Sindh
Date of hearing	:	20.10.2026.
Date of Order	:	20.10.2026.

O R D E R

Jan Ali Junejo, J:- By this common order, I intend to decide the above captioned bail applications, as they arise out of same FIR.

2. Through these Criminal Bail Applications, the Applicants 1) Jamsheed son of Ahmed Khan and 2) Farman son of Riyaz [**in Cr. B.A No.2630/2026**] and applicant Hammad son of Haq Nawaz [**in Cr. B.A No. 2367/2026**] seek post-arrest bail in FIR No. 116/2026 registered at Police Station Ittehad Town, Karachi for offences under Sections 377/34. The earlier post-arrest bail application filed by the applicants [in Cr. B.A No.2630/2026] was dismissed by the learned Additional Sessions Judge-X Karachi West (Special Court of Gender Based Violence Cases) vide order dated 13.08.2026 and the earlier post arrest bail application filed by the applicant [in Cr.B.A No.2367/2026] was dismissed by the learned Additional Sessions Judge-I/(MCTC), Karachi West vide order dated 25.05.2026. Being aggrieved, the Applicants have approached this Court.

3. Brief facts of the prosecution case, as narrated in the FIR, are that the complainant Zahid Khan son of Mameer Khan stated that he was residing with his family at the address mentioned in Column No. 2 and

was earning his livelihood through labour work. He alleged that on 25.04.2026, at about 6:00 p.m., upon returning home from his duty, his 10-year-old son Arsalan informed him that five boys of the neighbourhood, namely Samad, Hamad, Jamsaid, Farman and Moiz, whose fathers' names were unknown, had allegedly committed sodomy by force upon him and his 10-year-old friend Subhan son of Saleem at the house of accused Samad, situated at Sector 9-F, near Pakora Chowk, Ittehad Town, Karachi. The complainant further stated that he informed his neighbour about the incident and subsequently contacted Police Helpline 15. He also claimed to have a video recording of the incident and approached the police station along with his son to lodged the report and seek legal action against the aforesaid accused persons, hence, this FIR.

4. Learned counsel for the applicants in Criminal Bail Application No. 2630 of 2026 contended that the applicants are innocent juveniles and have been falsely implicated in the present case, as the allegations leveled against them are general and omnibus in nature, without attributing any specific overt act to either applicant regarding the commission of the alleged substantive offence. He submitted that the applicants, namely Jamsheed son of Ahmed Khan and Farman son of Riyaz, are minors, as established through their respective birth certificates, and are entitled to the protection and beneficial treatment envisaged under the Juvenile Justice System Act, 2018. He further argued that the prosecution case against the applicants is primarily based on statements and circumstantial allegations regarding their alleged involvement in recording the incident, whereas no mobile phone, storage device or video recording has been recovered from their possession, nor has any conclusive DNA report or other forensic evidence been produced to connect them with the alleged occurrence. He contended that the complainant is not an eyewitness and had allegedly learnt about the incident through his minor son, while no independent witness has directly attributed any specific role to the applicants. Learned counsel further submitted that the investigation has been completed and the challan has been submitted before the learned trial Court; therefore, their continued detention in the Juvenile Rehabilitation Centre would serve no useful purpose and would be contrary to the rehabilitative object of juvenile justice legislation. He maintained that the available material does not disclose reasonable grounds to believe that the applicants committed the alleged offence and that their case calls for further inquiry within the meaning of Section

497(2), Cr.P.C. He additionally submitted that the complainant raised no objection to the grant of post-arrest bail before this Court, contending that such non-opposition supports the applicants' prayer for bail in the interest of justice. He lastly submitted that the applicants have no previous criminal history, are permanent residents of Karachi, are under the care and supervision of their parents or guardians, and undertake to attend the trial regularly, cooperate with the proceedings, and neither tamper with the prosecution evidence nor influence any witness. Accordingly, he prayed that the applicants be admitted to bail by setting aside the impugned order passed by the learned trial Court.

5. Learned counsel for the applicant in Criminal Bail Application No. 2367 of 2026 submits that the applicant is innocent and has been falsely implicated in the present case due to ulterior motives, malice and with the intention to harass and humiliate him. He contends that the prosecution story, as narrated in the FIR, is doubtful and requires further inquiry, as the allegations are primarily based on the statement of the complainant concerning an alleged incident involving minor children, whereas the specific role and involvement of the applicant have not been established through independent and reliable corroborative evidence. He further argues that the applicant is a juvenile, being below the age of eighteen years at the time of the alleged occurrence, and is, therefore, entitled to the protection and beneficial provisions of the Juvenile Justice System Act, 2018, particularly in view of his status as a first-time offender and the absence of any material suggesting that his release would expose him to any moral, physical or psychological danger. He submits that although the alleged victims have recorded their statements under Section 164, Cr.P.C., the alleged occurrence took place on 25.04.2026 at about 6:00 p.m., whereas the FIR was lodged subsequently, and the delay in setting the criminal law into motion has not been satisfactorily explained. He further contends that the FIR contains discrepancies regarding the identity and particulars of the alleged accused persons, while the video recording allegedly available with the complainant has not been produced in a legally admissible form, nor has its authenticity or source been established. Learned counsel argues that the seriousness of the alleged offence under Section 376(iii), PPC, by itself, is not sufficient to deny bail where the applicant's specific role remains doubtful and the available medical evidence does not conclusively connect him with the alleged offence. He further submits that the applicant is no longer required for

any useful purpose of investigation, his custodial interrogation is unnecessary, and he undertakes to cooperate with the investigation and attend the trial regularly. He maintains that the applicant has no previous criminal record, is a permanent resident of Karachi, and there is no likelihood of his absconding, tampering with the prosecution evidence or influencing any witness. Learned counsel additionally submits that the complainant raised no objection to the grant of post-arrest bail before this Court, and contends that the complainant's non-opposition supports the applicant's plea for bail in the interest of justice. He further contends that the applicant's earlier bail application was dismissed by the learned Court below; however, the present application is maintainable on the basis of changed circumstances and additional grounds arising from the subsequent progress of the investigation and the material available on record. He argues that the learned trial Court failed to properly appreciate the material discrepancies and infirmities in the prosecution case and that the observations recorded in the impugned order are tentative in nature and cannot prejudice the applicant's defence at trial. He lastly submits that the case of the applicant falls within the ambit of further inquiry under Section 497(2), Cr.P.C., and that his continued detention would serve no useful purpose and would amount to punishment before conviction. He, therefore, prays that the applicant be admitted to bail subject to furnishing solvent surety to the satisfaction of the learned trial Court.

6. The learned Assistant Prosecutor General has argued that a prima facie case is clearly established against the Applicants/accused. The learned APG argued for the dismissal of the bail applications, contending that the applicants/accused have been explicitly nominated in the FIR with a specific role of committing unnatural offence against the victim. It was further submitted that the Complainant is not empowered to raise no-objection on behalf of the minor victim, nor the offence is compoundable. Given these circumstances, the accused persons are not entitled to bail, as no exceptional grounds exist to warrant any leniency.

7. I have heard the learned counsel for the applicant and learned A. P. G. Sindh, and have gone through the available record with their assistance.

8. The applicants seek post-arrest bail in a case arising out of serious allegations of sexual abuse of two minor children aged about ten years. The prosecution case, as reflected in the FIR, is that the complainant's

minor son disclosed the incident to his father, who subsequently approached the police for legal action against the nominated accused persons. The contention of learned counsel that the applicants have been falsely implicated and that no specific role has been attributed to them requires consideration in the light of the allegations contained in the FIR and the material collected during investigation. At this stage, the Court is required to undertake a tentative assessment of the available material and not a deeper appreciation of evidence, which is the exclusive domain of the learned trial Court. The plea that the complainant is not an eyewitness does not, by itself, discredit the prosecution case, particularly when the alleged occurrence was disclosed by a minor victim and the evidentiary value of his statement is yet to be assessed during trial. Likewise, the contentions regarding non-recovery of any mobile phone or video recording, absence of conclusive DNA evidence, and lack of independent corroboration cannot, in isolation, be treated as sufficient grounds for granting bail without examining the remaining prosecution material. The alleged victims are stated to have recorded their statements under Section 164, Cr.P.C., and the evidentiary worth of those statements, together with the medical and other material collected during investigation, shall be determined by the learned trial Court in accordance with law. The objections regarding delay in lodging the FIR and discrepancies in the particulars of the accused persons also require assessment in the context of the complete record and cannot, at this stage, be treated as conclusive grounds for discarding the prosecution case.

9. As regards the plea of juvenility, the applicants' minority is a relevant consideration, and the protections afforded under the Juvenile Justice System Act, 2018, must duly be taken into account. However, the question of bail is to be determined in accordance with the applicable statutory provisions and the circumstances of each case, and the status of a juvenile does not, by itself, warrant automatic release irrespective of the material available against him. Similarly, the submission that the investigation has been completed and the challan has been submitted before the learned trial Court is not, by itself, decisive in determining entitlement to bail. The applicants' assertions that they have no previous criminal history, are permanent residents of Karachi, and are under the care and supervision of their parents or guardians have also been considered; nevertheless, these circumstances must be weighed against the nature of the allegations and the material available on record. The

contention that the complainant has raised no objection to the grant of bail is equally insufficient, by itself, to justify the release of the applicants. The offence alleged is non-compoundable, and the complainant's no-objection cannot substitute the judicial assessment required by law, particularly where the alleged victims are minors. The learned Assistant Prosecutor General has opposed the bail applications, contending that the applicants have been nominated in connection with the alleged occurrence and that no exceptional circumstance has been shown to warrant the concession of bail. Upon tentative assessment of the material placed before this Court, the grounds advanced by learned counsel do not, at this stage, sufficiently persuade this Court to extend the concession of post-arrest bail to the applicants. The pleas relating to their alleged innocence, absence of forensic corroboration, and the asserted weakness of the prosecution evidence shall be examined by the learned trial Court at the appropriate stage, without being influenced by any observation made herein.

10. In view of the foregoing discussion, I am of the tentative view that the applicants have failed to make out sufficient grounds for the grant of post-arrest bail. Consequently, Criminal Bail Applications Nos. 2630 of 2026 and 2367 of 2026 are dismissed. The observations made herein are tentative in nature and shall not prejudice the case of either party, nor shall they influence the learned trial Court while deciding the matter on its own merits in accordance with law.

JUDGE