

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Cr. Bail Application No. S-754 of 2026

Applicant : Amjad s/o Lakhi Khaskheli
Through Mr. Ghulamullah Chang,
advocate.

Respondent : The State
Through Ms. Sana Memon,
Assistant Prosecutor General along
with SIP Muhammad Arif Jarwar,
IO of the case.

Complainant : Mst. Azeema wife of Imtiaz,
Through Mr. Ahmed Nawaz H.M.
Chang, advocate.

Date of hearing : 17-08-2026
Date of order : 17-07-2026

ORDER

JAWAD AKBAR SARWANA, J.- Through the captioned bail application, applicant/accused Amjad seeks post-arrest bail in Crime No. 66/2026, registered at Police Station Tando Ghulam Ali, for the offences U/S 377 P.P.C. Earlier, his first bail application was declined by the learned 2nd Additional Sessions Judge Badin, vide order dated 25.05.2026.

2. As per the FIR, on 18.04.2026 at about 0800 hours, the complainant went to pick chillies, leaving her 8/9-year-old son Rehman at home. At about 5:00 p.m., upon returning, she heard her son crying from bushes of typha/cattail near their house. She rushed to the spot and allegedly found their neighbour, Amjad son of Lakhi Khaskheli, allegedly without shalwar and sitting over her son and allegedly committing sodomy. On seeing the complainant, Amjad allegedly fled from the bushes towards Amarlo Branch/Shakh.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the present case due to ulterior motives; that as per the report, no human semen has been found in the examination of the victim; that the complainant has also filed an affidavit of "No Objection" on grant of bail to the applicant.

4. Conversely, counsel for the complainant has submitted an affidavit of "No Objection" of the complainant dated 07.07.2026

contending that the applicant/accused was nominated in the case due to misunderstanding and the complainant has no objection if the applicant/accused is granted post-arrest bail.

5. Learned Assistant Prosecutor General has vehemently opposed the grant of bail, stating that filing an affidavit of no objection meant that the applicant/accused had admitted the offence and she had patched up the matter with the complainant outside the Court; that the applicant/accused is very much involved in a heinous offence of sodomy with the victim, which does not call for the concession of post-arrest bail.

6. I have heard the learned counsel for the parties, and examined the material available on record.

7. Admittedly, the applicant has been nominated in the F.I.R with a specific role. The offence with which the applicant/accused has been charged is a non-compoundable offence. Yet, the Final Medico Legal Certificate states that, "The 02 Anal swab samples & cloths of victim Muhammad Rehman s/o Imtiaz (Item 1.1 & Item 1.2) do not contain any semen stain/sperm fractions." Further, there were/are apparently no material witnesses to the crime except for the complainant/mother. At this stage, the Challan has already been submitted before the trial Court, and the physical custody of the accused/applicant is no longer required for investigation; and trial is set to commence. The accused/applicant cannot be kept behind bars indefinitely merely because he has been named in the F.I.R. Further, the learned A.P.G. submits that the applicant/accused is neither a previous convict nor shown to be a hardened criminal. Based on the above observations of the A.P.G., the accused does not appear to be a threat to society at this stage, even given the heinous allegations charged. No meaningful purpose would be served by keeping the applicant/accused incarcerated, with the trial yet to pick up speed. The entire matter remains, at the end of the day, subject to trial. The upshot of the above discussion is that the DNA report is negative, and whether or not sodomy had been committed with the minor child would require further enquiry. The affidavit of "No Objection" of the complainant mother of the minor victim wherein she has voluntarily expressed her "No Objection" to the grant of post-arrest bail, and she is also in attendance and confirms the contents of such "No Objection" affidavit, does not come into play notwithstanding that the offence under Section 377 PPC is not compoundable.

8. Keeping in view the totality of the circumstances, the legal plane and position, and with the caveat that this matter may not be treated as a precedent, and given the facts and circumstances on record, without expressing any opinion on the merits of the case, which may prejudice either party at the trial, this bench finds that the case of the applicant/accused calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

9. Consequently, for the foregoing reasons, I am of the tentative view that the case requires further enquiry in to the guilt of the applicant, and, that, the applicant/accused, Amjad son of Lakhi Khaskheli, is entitled to grant of concession of post-arrest bail subject to his furnishing solvent surety in the sum of **Rs.200,000/- (Rupees Two Lacs Only)** and P.R. bond in the like amount to the satisfaction of the learned trial Court.

10. Needless to mention that the observations made herein are merely tentative and shall not be relied upon by the parties or by the trial Court and shall not influence the learned trial Court at the time of final decision based on merits after recording of evidence.

11. The bail application is allowed, and the applicant/accused may be released on the above terms.

J U D G E

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