

HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Crl. Bail Application No. S-128 of 2026

Applicants: 1) Dil Sher s/o Muhammad Yousif @ Badshah
2) Aijaz Ali @ Aijaz s/o Khuda Bux Sathio
3) Imtiaz @ Ishu s/o Khuda Bux
Through Mr.Abdul Hafeez Daudani, Advocate

The State: Through Mr.Altaf Hussain Khokhar, D.P.G a/w
complainant, who is present in Court and SIP Ali Khan
Noonari, PS Tando Muhammad Khan

Date of Hearing: **14-09-2026**

Date of Order: **14-09-2026**

ORDER

ABDUL MOBEEN LAKHO-J, Applicants have approached this Court seeking concession of pre-arrest bail in Crime No.391 of 2025 registered at Police Station Tando Muhammad Khan under Section 376 (ii), 506/2 and 34 PPC. The applicants' earlier bail application for the same relief was declined by the learned Additional Sessions Judge-I, Tando Muhammad Khan order dated 23.01.2026.

2. Briefly, the prosecution case as set out in the FIR is that complainant Sobia alleged that on 26.11.2025, the applicants along with co-accused forcibly entered her house and committed Zina with her and also extended threats. The FIR was lodged on 01.12.2025.

3. I have heard learned counsel for the parties and perused the material available on record.

4. Learned counsel for the applicants has placed on record statement dated 10.08.2026 along with certified copies of depositions of complainant/victim Sobia and prosecution witness Shahrbanu recorded before the trial Court. Perusal thereof reveals that both the witnesses have categorically stated that accused persons present before the Court namely Aijaz, Imtiaz and Dilsher (applicants herein), as well as accused Mansoor appearing through video link, are not the same persons who had entered into the house of the complainant. Thus, the star witnesses of the prosecution have failed to identify the present applicants before the trial Court. Such subsequent development has materially changed the nature of the case, at-

least tentatively and has also made out a case for further inquiry that with the above change whether the applicants are involved in the alleged offence or otherwise would be determined by the trial Court after recording entire evidence.

5. Consequently, the bail application is **allowed** and the interim pre-arrest bail already granted to the applicants vide order dated 29.01.2026, is hereby confirmed on the same terms, subject to furnishing additional surety in the sum of Rs.50,000/- each and P.R. bonds in the like amount before the Additional Registrar of this Court within ten days. The observations made herein are tentative in nature and shall not prejudice either party at the trial.

JUDGE

AHSAN K. ABRO