ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail. Application No.427 of 2019

Date Order with signature of Judge

1. For orders on office objection at flag "A".

2. For hearing of bail application.

05.04.2019

Dr. Shahnawaz Memon, advocate for the applicant. Mr. Muhammad Nadeem Khan, Assistant Attorney General.

MAZAR AKBAR, J. The Applicant Muhammad Umar Ghori is facing trial in FIR No.15/2018 under Sections 16, 20, 21, 24 PECA 2016 R/W Section 109 PPC registered at P.S FIA Cyber Crime Circle, Karachi. The applicant after failing to obtain post arrest bail from the Court of learned Sessions Judge Central, has preferred this bail application.

2. Brief facts are that on 31.10.2018 at 2210 hours on the basis of complaint of complainant Kainat Altaf-ur Rehman D/o Altaf-ur-Rehman FIR was lodged against the accused for offences under Sections16, 20, 21, 24 PECA 2016 R/W Section 109 PPC.

3. Learned counsel for applicant has contended the applicant is innocent and has been falsely involved in this case. He further contended that as per contents of FIR the applicant demanded rupees twenty five lacs from the complainant and as per contents of charge sheet applicant demanded fifty lacs. He further contended that there is software for changing IPs which can easily be changed. He argued that the alleged offence does not fall within the prohibitory clause of Section 497 Cr.P.C and there is no previous criminal record of the applicant/accused. He lastly argued that the applicant/accused is behind the bar since October, 2018.

4. Conversely, Mr. Muhammad Nadeem Khan, Assistant Attorney General has opposed the bail application on the ground that the applicant is nominated in the FIR. He further contended that the applicant came in contact with the complainant and obtained her photographs and after editing he sent back the same to the complainant and blackmail her and demanded huge money from her. He argued that on pointation of complainant applicant/accused was arrested and from his possession two mobile phones and hard disk were recovered and since the offence is heinous in nature, therefore, he prayed for dismissal of instant bail application.

5. I have considered the arguments advanced by the counsel for the parties and examined the contents of FIR and challan. I have noted from the record as follows:-

- The alleged offence does not fall within prohibitory clause of Section 497 Cr.P.C and is punishable for three years;
- ii) There is no previous criminal record of the applicant/ accused;
- iii) The case has already been challaned and the applicant/ accused is no more required for further investigation.

6. In view of the above facts and circumstances, the case for bail is made out, consequently the instant bail application is allowed. Applicant Muhammad Umar Ghori son of Pervez Ghori is admitted to bail subject to furnishing solvent surety in the sum of **Rs.50,000/-**(Rupees Fifty Thousand) and P.R bond in the like amount to the satisfaction of trial Court.

7. Needless, to mention here that the observations made hereinabove are tentative in nature and should not influence trial Court while deciding the case of the applicant/accused.

JUDGE