

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Bail Application No.S-357 of 2025  
(Muhammad Yousif Vs. The State)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Hearing of post-arrest bail

- 1. For orders on office objections at flag ‘A’
- 2. For hearing of bail application.

**ORDER.**  
22-05-2025.

Mr. Farooq Ali Halepoto, Advocate for the applicant/accused.  
Mr. Asif Zeeshan Advocate for complainant.  
Mr. Asadullah Rajper, Assistant A.G, Pakistan along with SI Muhammad Ali Sawand, Investigation Officer, FIA CCRC Sukkur.  
Syed Sardar Ali Shah Rizvi, Additional P.G for the State.

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**Ali Haider ‘Ada’, J.** Through the instant bail application, the applicant/accused, Muhammad Yousif, seeks post-arrest bail in Crime No. 25 of 2024, registered at Police Station FIA Cyber Crime Reporting Centre, Sukkur, for offences punishable under Sections 20, 21, and 24 of the Prevention of Electronic Crimes Act, 2016 (PECA-2016), read with Sections 383 and 506-B PPC. Prior to approaching this Court, the applicant had moved a bail application before the learned trial Court, which was declined vide order dated 27.03.2025. Thereafter, he filed a bail application before the learned Sessions Judge, Sukkur, which was entrusted to the Court of the learned Additional Sessions Judge-II, Sukkur; however, the same was also declined vide order dated 21.04.2025. Hence, the applicant has preferred the present post-arrest bail application before this Court.

2. Succinctly, the facts of the prosecution case, as set forth in the FIR lodged on 30.08.2024 by the complainant Miss Huma Noor, are that she submitted a written complaint alleging that the accused, Muhammad Yousif, had been blackmailing, harassing, and threatening her by using her nude videos and obscene pictures. It is alleged that the accused demanded money and, through his

Snap-chat and WhatsApp numbers (0332-5802768 / 0310-4899209), shared and disseminated her private and objectionable material to her family members and relatives. The complainant further stated that the accused not only threatened her with further exposure but also coerced and attempted to induce her into establishing a physical relationship. Additionally, she claimed that the accused had extorted a considerable amount of money from her under this duress. On the basis of her written complaint, an enquiry bearing No. 137/2024 dated 20.08.2024 was initiated at the Police Station FIA Cyber Crime Circle, Sukkur, culminating in the registration of the present FIR.

3. Learned counsel for the applicant/accused contends that the applicant is innocent and has been falsely implicated in the case. He submits that the allegations as narrated in the FIR are fabricated and baseless and that the applicant has never disseminated or shared any obscene or nude photographs or videos of the complainant. It is further argued that the parties have amicably resolved their dispute out of Court, and in this regard, the complainant has sworn an affidavit supporting the grant of bail before the learned Additional Sessions Judge-II, Sukkur; however, the said aspect was not given due consideration. The learned counsel further submits that the alleged offences do not fall within the prohibitory clause of Section 497, Cr.P.C, and as such, the rule of bail being a right and its refusal an exception is applicable. So, the case of the applicant requires further inquiry within the meaning of Section 497(2), Cr.P.C, entitling him to the concession of post-arrest bail. In support of his contentions, he has placed reliance on the order dated 02.10.2024 passed by the Principal Seat of this Court in Criminal Bail Application No. 2024 of 2023, the case reported as *Burhan Wali and another v. The State* (2020 P.Cr.L.J 1305), and the unreported order dated 17.03.2025 passed by the Circuit Court at Mirpurkhas in Criminal Bail Application No. S-40 of 2025.

4. Learned counsel for the complainant has recorded his no objection to the grant of bail to the applicant/accused on the ground that the parties have amicably resolved their dispute outside the Court.

5. During the course of arguments, it has been observed that the learned Trial Court, i.e., Judicial Magistrate-I, Sukkur, dismissed the bail application primarily on the ground of lack of jurisdiction, holding that the offences alleged fall within the ambit of scheduled offences under the Anti-Rape (Investigation and Trial) Act, 2021. The Trial Court noted that certain provisions of the Prevention of Electronic Crimes Act, 2016 (PECA), including Section 21, Cyberstalking, have been declared as scheduled offences under the Anti-Rape Act, thereby vesting jurisdiction in the Special Gender-Based Violence Courts established under the said Act. Consequently, the matter was considered outside the jurisdiction of the regular Magistrate's Court, and the bail application was dismissed accordingly on the point of jurisdiction.

6. On the other hand, the learned Assistant Attorney General for the State has opposed the grant of bail to the applicant/accused on the ground that the alleged offence is of a serious nature and constitutes an offence against the society at large. Furthermore, it is submitted that on the issue of jurisdiction, a letter has been addressed to the Directorate of Law, FIA, seeking clarification and direction regarding the proper forum for adjudication of the case; however, the response is still awaited. The Investigation Officer, who is present in the Court, has submitted that the matter is currently pending before the learned Judicial Magistrate-I, Sukkur, and has not yet been transferred to the Gender-Based Violence (GBV) Court.

7. Learned Additional Prosecutor General for the State was put on notice regarding the question of jurisdiction vide order dated 16.05.2025, to satisfy this Court as to whether the Gender-Based Violence Court, Sukkur, is competent to entertain matters arising under the Prevention of Electronic Crimes Act, 2016

**(PECA-2016)**, or whether such cases fall within the exclusive domain of the Courts established under the Anti-Rape (Investigation and Trial) Act, 2021, **(Act-2021)** which primarily deals with rape-related offences. In response, he submitted that PECA-2016 is a special law with its own prescribed mechanism for investigation, prosecution, and adjudication of cybercrimes. He further stated that while Section 21, 22 of PECA 2016 has been listed as a scheduled offence under the Anti-Rape (Investigation and Trial) Act, 2021, the present case does not involve any allegation of rape or sexual assault; therefore, it falls outside the jurisdiction of Courts constituted under the Act-2021. He emphasized that PECA cases are adjudicated by designated Courts established under the said statute and do not fall within the ambit of the Anti-Rape framework unless accompanied by charges related to rape or sexual violence. Moreover, he pointed out that a recent amendment to PECA, published on 29.01.2025, introduced the Social Media Protection and Regulatory Authority and Social Media Protection Tribunals through Section 2(v) of the PECA Amendment Act, 2025. These bodies have been established to regulate online platforms and adjudicate disputes relating specifically to social media content, thereby further demarcating the scope of PECA-related jurisdiction.

8. Heard the arguments advanced by the learned counsel for the respective parties and have carefully perused the material available on record.

9. The record reflects that a mobile device was recovered from the possession of the applicant/accused and the forensic analysis confirms that obscene and nude photographs and videos of the complainant were stored therein. The material available on record establishes that the said content was captured and allegedly used by the applicant to sexually harass and blackmail the complainant into establishing illicit relations with him, under the threat that otherwise her objectionable content would be circulated on social media platforms.

10. The nature of the offence in question falls squarely within the realm of cyber exploitation, which is a growing menace in modern society. The rise in digital abuse, particularly involving the misuse of personal and intimate content, reflects a disturbing trend of cyber violence that severely undermines individual dignity and public morality. Such offences have far-reaching consequences, psychological, social and familial for the victims, especially women, and often lead to trauma, isolation, or even self-harm.

11. Although the offences alleged, Sections 20, offences against the dignity of a natural person, Section 21, offence against modesty of natural person and minor and Section 24, Cybers talking of the PECA-2016 are not covered under the prohibitory clause of Section 497 Cr.P.C., nevertheless the gravity and societal impact of such offences cannot be minimized. In such cases, where the dignity, privacy, and modesty of a person, particularly a woman are grossly violated, the grant of bail must be considered with great care, caution, and sensitivity.

12. Furthermore, the rapid digitization of social interaction through platforms such as WhatsApp, Snap-chat, and Instagram has opened new avenues for abuse, making cybercrime one of the most complex challenges in Criminal Justice System. PECA-2016 was enacted specifically to address these emerging threats reflect the legislature's intent to rigorously combat such offences.

13. In view of the above, even though the statutory punishment does not fall within the prohibitory clause of Section 497 Cr.P.C., however the nature of the allegations, the manner in which the offence was committed and its grave consequences upon the victim's life and dignity, require the Court to exercise its discretion cautiously. The role of the Courts is not only to balance the rights of the accused but also to ensure protection of victims from recurring harm and to uphold societal decency and constitutional rights to dignity and privacy under Article 14 of the Constitution of Islamic Republic of Pakistan, 1973.

14. In this context, reliance is placed upon the following case laws, which is fortified by authoritative legal verdicts and is to be followed accordingly.

**(a). 2020 P Cr. L J 1652 [Islamabad] IMRAN KHAN Vs The STATE and another**

*“9. The case record produced by FIA shows that petitioner, during investigation, admitted receiving, transmitting, sharing, uploading derogatory and indecorous, fabricated photos of the complainant and his family members including female members for the purposes of defaming them. Data of facebook and whatsapp collected from cell phones of the accused/petitioner and other co-accused was retrieved and also sent for forensic analysis and examination. In addition, information in respect of facebook URLs created and operated by all the accused were also obtained by the facebook authorities. All the information/data of conversation at whatsapp, forensic examination report of the cell phones and information and verification of URL and IDs received from facebook authority prima facie constitute sufficient incriminating material against the accused/petitioner shows existence of reasonable grounds of the accused/petitioner's involvement in the alleged offence and disentitle him for the concession of bail. Learned Counsel for the Complainant also informed the Court that Awais Khan was released on bail, vide order dated 20.03.2020, passed by the Hon'ble Islamabad High Court, on the outbreak of COVID-19 pandemic, however, after setting aside of the said order by Hon'ble Supreme Court on 07.04.2020, he is now absconder. Moreover, the other co-accused have also been declared proclaimed offenders. The contention of the Learned Counsel for the Petitioner that offence in the present case do not fall within the prohibitory clause has no force as the law has also been settled in this regard that mere fact that the offence does not fall within the prohibitory clause of section 497, Cr.P.C., does not mean that the offence becomes bailable, as it is also well settled that the concession of bail cannot be claimed as a right. The concession of bail is legally allowable where nature of offence is not heinous and against the society; where there is no possibility of repetition of offence; where there are prima facie evidence of fake and frivolous involvement of the petitioner; where there is no chance of abscondence; when there is no chance of tampering with evidence of prosecution and that petitioner is not a habitual offender has no previous criminal history and that the concession of bail will not be misused by the Petitioner. All these possibilities are taken into consideration while considering the present petition for grant of bail after arrest. Regarding accepting/refusing of bail involving similar offence as in the instant case, the Hon'ble Sindh High Court in case titled Farhan Kamrani v. The State (2018 YLR 329) on the arguments that offence being out of the prohibitory clause of section 497, Cr.P.C., has held as under:-*

*"9. Although, the offence under section 21 of the Act does not fall within the prohibitory clause of section 497, Cr.P.C. being punishable up to five (05) years, but in such like cases the grant of bail is not a right of the accused but a concession and since the accused is prima facie involved in a case of superimposing a photograph of the face of a woman over sexually explicit image, he is not entitled to the concession of bail simply for the reason that he is connected with such offence, which seriously affect the whole society. The accused has apparently gone to grotesque lengths to humiliate the complainant online, which may cause a detrimental effect on her. It may be*

*observed that the impact of uploading on internet the superimposed porn photographs of a woman is more than the shame and shock that one might feel when she discovers herself to be the victim of this crime. The immediate real time effect is the social stigmatization of the victim by blaming her for the pictures and questioning her character. This may lead to depression, social alienation and in some extreme cases suicide attempts by the victim who cannot handle the pressure of dealing with such targeted vengeance. Under the circumstances, the accused is not entitled to the concession of bail; therefore, this application is dismissed, accordingly".*

**(b). 2018 P Cr. L J 1667 [Lahore] MUHAMMAD ASHRAF Vs The STATE and another**

*"3. The petitioner unmistakably figures with the prosecutrix in the stills generated by the Investigating Officer from the medium secured during investigation and as such argument that these have been manipulated to frame him in the crime is preposterous to say the least; for the family, it is too heavy a price to foot and for no apparent purpose but to incur a disgustingly perennial embarrassment. Prosecutrix's na ve volitional intimacy cannot be pleaded as a defence for a most grievous misconduct based upon a criminal betrayal resulting into unmitigated intrusion into a woman's privacy. Similarly, petitioner cannot claim bail as of right merely on the ground that offences complained do not fall within the prohibitory clause of section 497 of the Code of Criminal Procedure, 1898. It is by now well settled that in appropriate cases bail can be justifiably declined in offences falling outside the prohibition; in the present case, it can be withheld without being unconscionable. CrI. Misc. No. 220033-B of 2018 fails; petition **dismissed**. Needless to observe that observations recorded hereinabove being tentative/issue specific shall not impact upon the fate of the case, to be decided by the learned trial Court on the strength of evidence. Bail refused."*

**(c). 2018 Y L R 329 [Sindh] FARHAN KAMRANI Vs The STATE.**

*"9. Although, the offence under section 21 of the Act does not fall within the prohibitory clause of section 497, Cr.P.C. being punishable up to five (05) years, but in such like cases the grant of bail is not a right of the accused but a concession and since the accused is prima facie involved in a case of superimposing a photograph of the face of a woman over sexually explicit image, he is not entitled to the concession of bail simply for the reason that he is connected with such offence, which seriously affect the whole society. The accused has apparently gone to grotesque lengths to humiliate the complainant online, which may cause a detrimental effect on her. It may be observed that the impact of uploading on internet the superimposed porn photographs of a woman is more than the shame and shock that one might feel when she discovers herself to be the victim of this crime. The immediate real time effect is the social stigmatization of the victim by blaming her for the pictures and questioning her character. This may lead to depression, social alienation and in some extreme cases suicide attempts by the victim who cannot handle the pressure of dealing with such targeted vengeance. Under the circumstances, the accused is not entitled to the concession of bail; therefore, this application is dismissed, accordingly."*

**(d). 2024 P Cr. L J 1462 [Islamabad] MUHAMMAD HASEEB Vs The STATE and another**

*"8. As far as the argument regarding grant of bail in the cases not falling under the prohibitory clause is concerned, it is held by this*

Court in a case titled as *"Irfan Sarwar v. The State"* (2022 P.Cr.LJ Note 71), that:

*"with regard to the contention that the bail should always be granted in cases not falling within the domain of prohibition clause of proviso to section 497, Cr.P.C. it is observed that it is not a rule of universal application. Each case has to be seen through its own facts and circumstances".*

*The same principle has been laid down in a case titled as "Afzaal Ahmed v. The State", 2003 SCMR 573 which states that:*

*"The mere fact that an offence did not fall within the prohibitory clause of section 497(1) of the Cr.P.C. did not mean that such an offence had become a bailable offence. The discretion still remained with the competent Court to consider whether a person accused of such an offence did or did not deserve the grant of bail in accordance with established norms governing the exercise of such a power.*

*It has also been held by the Hon'ble Supreme Court of Pakistan in a case titled as "Muhammad Siddique v. Imtiaz Begum and others", 2002 SCMR 442 that:*

*"none can claim bail as of right in non-bailable offences even though the same do not fall under the prohibitory clause 497 Cr.P.C".*

*On the same subject the guidance has also been taken from the law laid down in a case titled as "Haji Muhammad Nazir and others v. The State", 2008 SCMR 807 wherein, it has been held that:*

*"It is true that offences for which petitioners have been charged entails punishment not more than five years, which also falls within the category of non-bailable offence, therefore, they are not entitled as a matter of right for release on bail, notwithstanding the fact that their case is covered under the non-prohibitory clause as defined under section 497, Cr.P.C. as it has been held in the case of Muhammad Siddique (ibid). As far as principle of law being relied upon by the learned counsel from the judgment in the case of Tariq Bashir (ibid) that the grant of bail in offence punishable with imprisonment for less than ten years is a rule and refusal is exception would not help to the petitioners in view of exceptional and extraordinary circumstances of the case".*

*In different cases under the Prevention of Electronic Crimes Act, 2016 where the offences not falling under prohibitory clause of section 497 Cr.P.C, bail after arrest has been rejected by this Court vide judgment reported as 2020 PCr.LJ 1652 as well as by the Hon'ble Lahore High Court, Lahore in cases reported as 2018 PCr.LJ 408 and 2018 PCr.LJ 1667 and the Hon'ble Sindh High Court in a case reported as 2018 YLR 329."*

**(e). 2023 P Cr. L J 496 [Peshawar (Abbottabad Bench)]  
FAKHAR ZAMAN Vs The STATE and another**

*"5. It is a general rule that when offences are punishable with less than 10 years of imprisonment ordinary, bails are granted however, in appropriate cases, it is never compulsion over the court to grant bail as a rule and may depart from this rule to deny any favor to the petitioner where the complainant is helpless has been victimized due to her nude images and videos and blackmailed her financially to get illegitimate demand as in the*



case in hand. Complainant is stated to have been put under extortion of sending her images and nude videos to her husband. Thus while reliance is placed on the dictums referred by the learned counsel for the complainant and especially when this court is of the opinion that the petitioner has sexually harassed the complainant, who is a married woman while her husband is abroad doing labour for earning livelihood for the family.”

**(f). 2022 P Cr. L J Note 71 [Islamabad] IRFAN SARWAR Vs The STATE**

“6. As far as the argument regarding the grant of bail in the cases not falling under the prohibitory clause is concerned. It is clarified, that the Hon'ble Supreme Court of Pakistan has held in "2009 SCMR 174 titled as Shameel Ahmed v. The State", that "with regard to the contention that the bail should always be granted in cases not falling within the domain of prohibition clause of proviso to section 497, Cr.P.C. it is observed that it is not a rule of universal application. Each case has to be seen through its own facts and circumstances". The same principle has been laid down in "2003 SCMR 573 titled as Afzaal Ahmed v. The State" which states that "The mere fact that an offence did not fall within the prohibitory clause of section 497(1) of the Cr.P.C. did not mean that such an offence had become a bailable offence. The discretion still remained with the competent Court to consider whether a person accused of such an offence did or did not deserve the grant of bail in accordance with established norms governing the exercise of such a power. It has also been held by the Hon'ble Supreme Court of Pakistan in "2002 SCMR 442 titled as Muhammad Siddique v. Imtiaz Begum and others" that "none can claim bail as of right in non-bailable offences even though the same do not fall under the prohibitory clause 497, Cr.P.C. On the same subject the guidance has also been taken from the law laid down in "2008 SCMR 807 titled as Haji Muhammad Nazir and others v. The State", wherein, it has been held that "It is true that offences for which petitioners have been charged entails punishment not more than five years, which also falls within the category of non-bailable offence, therefore, they are not entitled as a matter of right for release on bail, notwithstanding the fact that their case is covered under the non-prohibitory clause as defined under section 497, Cr.P.C. as it has been held in the case of Muhammad Siddique (ibid). As far as principle of law being relied upon by the learned counsel from the judgment in the case of Tariq Bashir (ibid) that the grant of bail in offence punishable with imprisonment for less than ten years is a rule and refusal is exception would not help to the petitioners in view of exceptional and extraordinary circumstances of the case". In different cases under the Prevention of Electronic Crimes Act, 2016 where the offences not falling under prohibitory clause of section 497, Cr.P.C. the bail after arrest has been rejected by this Court vide judgment reported as 2020 PCr.LJ 1652 as well as by the Hon'ble Lahore High Court, Lahore vide cases reported as "2018 PCr.LJ 408 and 2018 PCr.LJ 1667 and the Hon'ble Sindh High Court vide case reported as 2018 YLR 329".”

**(g). 2021 P Cr. L J 119 [Sindh] SALEEM KHALID Vs. The STATE---Respondent**

“12. At bail stage only tentative assessment of record is permitted and deeper appreciation of evidence/material is not permitted. The offences charged (Sections 20, 21 and 24 of P.E.C.A) do not

*fall within the prohibitory clause of section 497, Cr.P.C. being punishable up to five (05) years, but in such like cases where dignity and modesty of a person is at stakes, the discretion for grant of bail has to be exercised cautiously specially when the offence seriously affect the whole society and the impact is devastating not only for the complainant but to his/her family which may ruin the future life of the victim. I am of the opinion that if the husband wanted to divorce the complainant as elaborated in ground (I) he could have done so without making any video, he did not have to make videos of her to prove her infidelity by making her obscene videos. The applicant not only made the videos but admittedly forwarded on whatsapp to the in-laws to prove his case and justifying the reason for divorce and by admitting the fact that the applicant did make obscene video of his wife with another person and posted it on social media (whatsapp), to me takes the case out of the ambit of further enquiry. Hence, prima facie prosecution has sufficient material against the accused to connect him with the commission of alleged offence. I, therefore, dismiss the instant bail application.”*

**(h). 2020 P Cr. L J 705 [Peshawar (D.I. Khan Bench)]  
MUHAMMAD USMAN Vs. The STATE and another**

*4. Perusal of the record reveals that objectionable pictures which were uploaded through a cell phone on whatsapp were recovered from possession of the petitioner which stigmatized the honour of not only the complainant but her whole family. The petitioner also committed the offence of blackmailing by intentionally and publicly exhibiting, displaying and transmitting the nude photographs for the purpose of some illegitimate demands. The petitioner, in his statement, also did not deny the commission of offence. The offence is of moral turpitude which badly affects the society at large. The argument of learned counsel for the petitioner that the offence with which the petitioner is charged does not fall within the prohibitory clause of section 497, Cr.P.C. and in such like cases, bail is a rule and refusal an exception, is of little help to him. No doubt, bail in offences punishable with less than ten years of imprisonment is ordinarily granted as a rule, however, the concession is to be extended having regard to the facts and circumstances of each case and in appropriate cases, the Court may justifiably depart from the rule to deny the favour. In the instant case, the allegation against the petitioner is not only supported by evidence but also his own statement, thus, I do not feel persuaded to extend discretionary jurisdiction in favour of the petitioner.”*

**(i). 2020 P Cr. L J 759 [Sindh] ARIQ LIAQUAT ALI KHAN  
Vs The STATE**

*“5. I have considered the arguments advanced by the learned counsel for the applicant/accused, learned Assistant Attorney General for the State as well perused the record. Though at bail stage the deeper appreciation of evidence/material placed on record is not permitted and the Court has to form its opinion on tentative assessment of record; however, the bail application cannot be decided in vacuum rather a bird's eye view is required to be taken. It appears that after receiving the complaint, a request was sent to the Facebook authorities by the FIA by Cyber Crime Circle, Karachi for providing I.D. login of applicant/accused. In response thereof the Facebook authorities provided the cell phone number of accused with facebook ID*

information/details on their pattern format including creation date of the ID, the ID creation email/ cell number and the IP address and log activity i.e. i. 39.50.125.213.26/03/2019 23:07:29,  
 ii.9.50.125.213.26/03/201922:50:02,iii.39.50.75.129.25/03/20192 1:21:13andiv. 9.50.116.41.24/03/2019 17:58.40. Since the said IP belonged to PTCL (Pakistan Telecommunication Corporation Limited), a request was also made to ISP-PTCL (Internet Service Provider) for obtaining subscriber details. In response, the concerned ISP provided subscriber information i.e. name, address CNIC phone number etc. The subscriber information of the cell phone 0345-5464548 (Telenor) and 03338330309 (U-Phone) revealed that both were registered in the name of Tariq Ali Khan (the accused) resident of House No. 884, Model Town Hunak, F8/4 Islamabad CNIC No.61101-8823288-9. Later the accused was arrested on 14.06.2019. Hence, prima-facie prosecution has sufficient material against the accused to connect him with the commission of alleged offence.”

**(j). 2020 P Cr. L J 259 [Sindh] KASHIF DARS Vs The STATE and 2 others.**

*“In fact in the Cyber Crime the accused cannot alleged mala fide in associating/connecting him in the crime. The complainant was not aware of the applicant. He had only noticed certain fake pages on internet and Facebook carrying objectionable material and he has reported the matter to the FIA to "identify the persons involved in the crime". It was during Enquiry No.231/2019 dated 25.4.2019 in which the official of FIA by application of different techniques through social engineering reached to the accused through cell phone number which has been used/associated to the Facebook carrying objectionable material. Since the complainant party was never aware of the person behind this misuse of internet, it cannot be said that complainant had malafidely named the accused and the applicant has been mala fide arrested or associated with the offence. In the impugned order the learned Judge has elaborately discussed material connecting the accused with the commission of offence. The visit of FIA official at the office of Kashif Dars, technical analysis of his mobile phone, his admission that the said cell phone is in his use coupled with the objectionable images available in his cell phone are the kind of evidence which cannot be fabricated by the investigating agencies. Prima facie these documentary evidences were more than enough to connect the accused with the offence.”*

15. As far as the question of jurisdiction is concerned, the Investigation Officer has submitted that the matter is still pending before the Court of the Judicial Magistrate, which currently retains jurisdiction to conduct the trial under the provisions of the Prevention of Electronic Crimes Act, 2016. He further stated that the case has not yet been transferred to the Gender-Based Violence (GBV) Court established under the Anti-Rape (Investigation and Trial) Act, 2021. These assertions were also affirmed by the learned counsel for the applicant. Therefore, at this stage, when the question of jurisdiction remains unsettled and the trial

court itself has not passed any final order of transfer, the applicant/accused retains the liberty to challenge or contest the question of jurisdiction at an appropriate stage before the Competent Forum, in accordance with law.

16. In view of the above discussion and the material available on record, it appears that sufficient prima facie evidence exists connecting the applicant/accused with the commission of the offence under Sections 20, 21, and 24 of the Prevention of Electronic Crimes Act, 2016, read with Sections 383 and 506-B PPC. In the instant case, the tentative assessment of available material leads to the conclusion that the applicant has failed to make out a case of further inquiry within the meaning of sub-section (2) of Section 497 Cr.P.C and no exceptional circumstances which would justify the grant of post-arrest bail at this stage, accordingly, the instant bail application stands dismissed.

17. Needless to mention, the observations made hereinabove are purely tentative in nature and shall not prejudice or influence the trial Court at the time of final adjudication of the case. The trial Court shall independently evaluate the evidence and proceed in accordance with law.

18. The bail application stands disposed of in the above terms.

**J U D G E**

***Ihsan/PS.***