

THE HIGH COURT OF SINDH KARACHI

Criminal Bail Application No. 1382 of 2023

For hearing of Bail Application.

Applicant/ Accused : Muhammad Raheem Khan son of Shabbir Ahmed Khan through Mr. Muhammad Fazal Rabi, Advocate.

Complainant/State : Through Mr. Muhammad Ahmed, Assistant Attorney General for Pakistan a/w I.O.SIP Farhad Ali, FIA Cyber Crime, Karachi.

Date of hearing : 11-10-2023

Date of order : 11-10-2023

*FIR No. 11/2023
U/S: 20/21/24 PECA, 2016
P.S. FIA CCRC.*

ORDER

Adnan Iqbal Chaudhry J. - The Applicant/Accused seeks post-arrest bail in the aforesaid crime after the same was declined by the Sessions Judge, Karachi (West) by order dated 14.06.2023.

2. The offences alleged against the Applicant are of sections 20, 21 & 24 of the Prevention of Electronic Crimes Act, 2016. The FIR was lodged by one Raheela (Complainant) alleging that the Applicant, who is her neighbor, had entered her house by force and compelled her at the point of a knife to pose nude for photographs; and that thereafter, the Applicant is blackmailing her with threats to make public said photographs. Upon that, the cellphone of the Applicant was seized which revealed nude photographs of the Complainant, hence he was arrested.

3. Heard learned counsel for the Applicant, the learned Assistant Attorney General and perused the record.

4. While the cellphone of the Applicant was found to be containing nude photographs of the Complainant, the forensic report of that cellphone also reveals that the Applicant and the Complainant were connected through WhatsApp and were exchanging messages and photos. Therefore, the allegation that the Applicant had forced

his way into the house of the Complainant and compelled her to pose nude, seems implausible, and the version of the Applicant that such photographs were sent to him by the Complainant to seduce him to give her free goods from his grocery store, cannot be ruled out at this stage more particularly when contents of the cellphone of the Complainant have not been investigated.

5. To attract the offences under sections 20 and 21 of the Prevention of Electronic Crimes Act, 2016, the requirement seems to be that the offending content/information is made public. However, the investigation thus far does not specify that the nude photographs of the Complainant were transmitted by the Applicant to any third party.

6. As regards the offence under section 24 of said Act, the allegation is that the Applicant was blackmailing the Complainant with threats to make public her nude photographs; however, the two text messages highlighted in this regard by the AAG are vague and would have to be examined in the context of a trail of messages under exchange between the parties.

7. None of the offence alleged fall within the prohibitory clause of section 497 CrPC.

8. For the foregoing reasons, the case against the applicant is one of further inquiry falling within the ambit of subsection (2) of section 497 Cr.P.C. Therefore, the Applicant Muhammad Raheem Khan is granted bail in FIR No. 11/2023 subject to furnishing solvent surety in the sum of **Rs. 100,000/- [Rupees One Hundred Thousand only]** alongwith P.R. Bond in like amount to the satisfaction of the trial Court.

Needless to state that the observations above are tentative and shall not be construed to prejudice the case of either side at trial.

JUDGE

*PA/SADAM