

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

Criminal Bail Application No.S-100 of 2024

**DATE**

**ORDER WITH SIGNATURE OF JUDGE**

**19.02.2024**

Syed Tariq Ahmed Shah, Advocate for applicant.

Mr. Bashir Ahmed Almani, Assistant Attorney General for Pakistan

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**O R D E R**

**AMJAD ALI SAHITO, J:-** Through the instant bail application, the applicant / accused seeks post-arrest bail in Crime No.16 of 2023, registered under sections 09, 10, 11 of PECA 2016 r/w 295-A, 295-B, 295-C, 298-A and 109 P.P.C at P.S FIA Cyber Crime Reporting Centre Hyderabad, after his bail plea was declined by the learned Sessions Judge, Hyderabad vide his order dated 20.11.2023.

2. The facts of the case are already mentioned in the F.I.R and memo of bail application, hence need not to reproduce the same hereunder.

3. At this juncture, learned counsel for the applicant submits that instant FIR was registered on 03.11.2023 since then no progress has been made. He states that the sections 295-A, 295-B & 295-C are not applicable at the most if any allegation against the applicant which is 298-A P.P.C which is bailable. He further contended that no material has been brought on the record to connect the applicant that he has posted derogatory whatsapp status against Hazrat Muaviya (R.A). He has also argued that applicant / accused is in jail, he is no more required for further investigation. Lastly, he prayed for grant of bail.

4. On the other hand, learned Assistant Attorney General for Pakistan vehemently opposed the grant of bail.

5. On the last so many dates of hearing notices were issued to the complainant but he is called absent.

6. Heard and record perused.

7. Admittedly, at this stage there is no material brought on the record by the prosecution to connect the applicant with commission of offence. Furthermore, only the allegation of postings derogatory material through whatsapp has been leveled against applicant otherwise no material has been brought on the record. The applicant / accused is in jail, he is no more required for further investigation his further detention will not improve the case of prosecution. At bail stage only tentative assessment is to

be made, hence, learned counsel for the applicant/accused is made out a case for grant of bail. Resultantly, the instant bail application is allowed. At this juncture, learned counsel appearing on behalf of applicant submits that since no police report required under section 173 Cr.P.C has been submitted by the I.O of the case, as such, he requests that applicant may be allowed to furnish surety before this Court. The applicant/accused is admitted to bail subject to his furnishing solvent surety in the sum of Rs.50,000/- and P.R. bond in the like amount to the satisfaction of learned Additional Registrar of this Court as requested.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

**JUDGE**