

**IN THE COURT OF IJAZ MAHSOOD, SENIOR CIVIL JUDGE, JUDICIAL
MAGISTRATE, DISTRICT ORAKZAI**

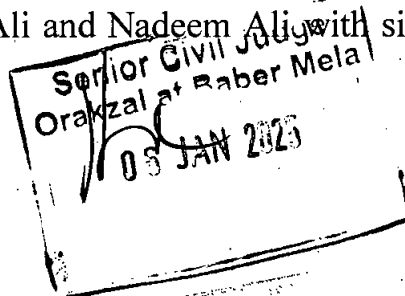
Bail Petition 02/BA of 2025.
Date of institution.....04.01.2025.
Date of decision.....06.01.2025

Order.02
06.01.2025

Dy.PP for the present. Counsel for accused/petitioner present. Father of accused/petitioner namely Tanab Ali also present. Record received. Arguments heard and record perused.

Accused/petitioner namely Junaid Ali S/O Tanab Ali R/O Qaum Mani Khal, Zaredar Tehsil Lower, District Orakzai is seeking his post arrest bail in Case FIR No.35 dated: 09.04.2023 U/S 506,148, 149 PPC, Police Station Kalaya, District Orakzai.

The offence with which accused/petitioner is charged does not fall within the ambit of prohibitory clause of Section 497 Cr.PC. In such like cases grant of bail is a rule and refusal is exception. No extra ordinary circumstances are available on record to justify from the said rule. No empty has been recovered from the spot. Noting incriminating has been recovered from possession of accused or on his pointation. Source of information regarding the involvement of accused in the commission of the offence has not been disclosed. Co-accused namely Tanab Ali and Nadeem Ali with similar role have



already been released on post arrest bail vide order dated 11.07.2023 passed by the court of Judicial Magistrate-I, Tehsil Courts Kalaya, therefore, role of consistency applies to the case of accused/petitioner. Accused has not confessed his guilt before the court. Investigation has already been completed and accused/petitioner is no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioner behind the bar.

Consequently, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- (Fifty thousand) with two sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on police as well as judicial record. File of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
06.01.2025



Ijaz Mahsood
Senior Civil Judge/JM, Orakzai