IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI

Bail Petition .....42/4 of 2023.

Date of institution.....16.05.2023.

Date of decision.....18.05.2023.

Order.03
18.05.2023

None present for the state. Cousin for accused/petitioner namely Zeri Gul present. Jehad Ullah present while Imran Khan absent despite service. Written argument on behalf of counsel for accused/petitioner and arguments of APP for the state already heard/submitted.

Jehad Ullah, who has charged accused/petitioner for the commission of the offence stated that he wants to patch up the matter with the accused/petitioner outside the court and that he has got no objection on release of accused/petitioner. Statement of Jehad Ullah was separately recorded which is duly thumb impressed by him and endorsed by his father.

Accused/petitioner namely Muhammad Rehman S/O Khial Bat Khan R/O Qaum Utman Khel, District Orakzai is seeking his post arrest bail in case FIR No. 31, Dated: 04.04.2023 U/S 392 PPC, 5-EXP-SUB-ACT and 15-AA, PS Kalaya, Orakzai.

Perusal of record would reveal that although accused/petitioner is by name charged in the statements recorded u/s 164 Cr.PC by Jehad Ullah and Imran Khan for the commission of the offence and the offence falls within the ambit

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Civil Judge/JM
Kalaya Orakzai

of prohibitory clause of section 497 Cr.PC but accused/petitioner is neither charged in the FIR nor arrested at the spot. Nothing incriminating has been recovered from possession of the accused/petitioner or on his pointation despite grant of physical custody of the accused/petitioner. There is no criminal history of the accused/petitioner. He has not confessed his guilt before the court. Furthermore, victim Jehad Ullah stated that he has got no objection if accused/petitioner is released on bail. Moreso, co-accused have already been released on bail by the court of Worthy District & Sessions Judge, Orakzai, therefore, accused/petitioner is entitled to the concession of bail on the bases of role of consistency.

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. Requisitioned record be sent back to the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
18.05.2023

Zahir Khan
JMIC-I, Kalaya, Orakzai