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

Bail Petition ..... 38/4 of 2023.

Date of institution.....08.05.2023.

Date of decision.....09.05.2023.

Mr. Sana Ullah Khan Advocate for accused/petitioner.
Complainant namely Hashmat Ullah. APP for the state

Order.02
09.05.2023

APP for state present. Learned counsel for accused/petitioner present. Complainant present. He stated that he does not want to engage private counsel. Supplementary record received. Main file of the case produced by Muharrir of the court. Arguments heard and record perused.

Accused/petitioner namely Khair Ullah S/O Aurangzeb is seeking his post arrest bail in case FIR No.125, Dated: 27.12.2022 U/S 379/34 PPC, PS Kalaya L/Orakzai.

Perusal of record would reveal that the alleged occurrence took place on 18.12.2022 and F.I.R was registered on 27.12.2022. Per contents of the FIR, inquiry was conducted but there is nothing on record which could show that any permission whatsoever was obtained by the local police from the court. Source of information regarding involvement of accused in the commission of the offence has not been disclosed by the complainant. Nothing incriminating has been recovered from possession of the accused/petitioner or on his pointation. Accused has not confessed his guilt before the court. The offence for which accused/petitioner is charged does not fall within the

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Civil Judge/JM
Kalaya Orakzai
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ambit of prohibitory clause of section 497 Cr.P.C and in such like cases grant of bail is a rule and refusal is exception. There is no criminal history of accused/petitioner regarding his involvement of in such like cases. Furthermore, co-accused namely Muhammad Naveed with similar role has already been released on post arrest bail vide order dated 04.04.2023, therefore, role of consistency apply to the case of accused/petitioner.

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. Main case file be retained for trial already pending.

ANNOUNCED:
09.05.2023

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