

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

Bail Petition8/4 of 2023.

Date of institution.....15.02.2023.

Date of decision.....17.02.2023.

APP for the state

Mr. Muzahir Hussain Advocate, Counsel for accused/petitioner


Order.No.03

17.02.2023

APP for the state present. Counsel for accused/petitioner present. Complainant absent despite service. Record already received. Arguments heard and record perused.

Accused/petitioner namely Muqadar Ali S/O Baidar Ali, R/O Kalaya, District Orakzai is seeking his post arrest bail in case FIR No.118 dated: 30.11.2022 U/S 324, 427, 148, 149 PPC, Police Station Kalaya, District Orakzai.

Record shows that although accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged falls within the ambit of prohibitory clause of Section 497 Cr. PC but no specific role has been attributed to the present accused/petitioner. Moreover, no recovery in shape of empties has been affected from the spot of occurrence. Furthermore, nothing incriminating has been recovered either from possession of the accused/petitioner or upon his pointation. Record further shows that co-accused have already been released on bail by the court vide order


17/02/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

dated 14.12.2023 and 16.12.2023. Rule of consistency is applicable to the case of accused/petitioner. 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. Record be returned back to the quarter concerned.

File of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
17.02.2023



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai