

IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAIBail Petition 21/4 of 2023.Date of institution.....03.04.2023.Date of decision.....04.04.2023.Mr. Sana Ullah Khan Advocate for accused/petitioners. Representative of DC,
Orakzai.APP for the stateOrder - 02

04.04.2023

APP for state present. Learned counsel for accused/petitioners present. Representative of DC, Orakzai present. Record received. Arguments heard and record perused.

Accused/petitioners namely Muhammad Hamas S/O Said Jamal Khan and Luqman S/O Gul Raheem R/O Sayed Khel, Tehsil Domail, FR Bannu are seeking their post arrest bail in case FIR No.06 dated:31.01.2023 U/S 420, 468, 471 PPC, PS Mishti Mela.

Perusal of record reveals that accused/petitioners are charged for using fake domiciles of Erst-while Orakzai Agency for the purpose of getting admission in MBBS on reserved seats of the then Orakzai Agency. The offence is heinous in nature. Though the offence does not fall within the ambit of prohibitory clause of Section 497 Cr. PC but this fact by itself will not create a right in favor of accused/petitioners for grant of bail as there is sufficient material available on record connecting the accused/petitioners with the commission of the offence. As per



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ZAHIR KHAN
Civil Judge JM
Kalaya Orakzai

decisions of the Apex Superior Courts, deeper appreciation of evidence is not permissible at bail stage and only tentative assessment thereof is to be made just to find out connection of accused/petitioners with the commission of the offence. In the given circumstances the accused/petitioners are not entitled to the concession of bail.

Consequently, the application is turned down. Copy of this order be placed on judicial as well as police file. Requisitioned record be sent back to the quarter concerned forthwith.

File be consigned to record room after its necessary completion and compilation.

ANNOUNCED:
04.04.2023



Zahir Khan
JMIC-I, Kalaya, Orakzai