

(6)

IN THE COURT OF SHAUKAT AHMAD KHAN
SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 36/4 of 2023
Date of Institution : 29.04.2023
Date of Decision : 03.05.2023

NEK MUHAMMAD VS THE STATE

ORDER

Accused/petitioner Nek Muhammad produced on Zamima Bay. Complainant Waris Ali present in person. Arguments have already been heard. Record gone through.

2. The accused/petitioner, **Nek Muhammad** s/o Gul Muhammad Khan seeks his post arrest bail in case FIR no. 12, dated 15.03.2023, u/s 506/504/34 PPC and 4 Ghag Act of Police Station Kurez Boya wherein, as per contents of FIR, the complainant vide his written application dated 16.02.2023 made a report to the local police to the fact that the accused/petitioner with the help of his sisters Mst. Mehnaz and Mst. Noor Naz the colleagues of Mst. Amina Bibi (daughter of complainant) at Noor Nasir Khattak clinic made his daughter eloped and sold her to one Tahir regarding which a separate FIR has been registered. The daughter of the complainant was later on recovered by the local Police and now she has obtained a *Khula* from a family court. That the

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present accused/petitioner via his cell phone number 03355502321 sent threatening messages to the complainant via his cell phone number 03327299083 and raised Ghag over the marriage of Mst: Amina Bibi with someone else. Hence, the present FIR.

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR and the offence, for which the accused/petitioner is charged, is heinous in nature, however neither the statement of Mst: Amina Bibi nor that of the person/persons whom have proposed Mst: Amina Bibi for marriage. Moreover, neither the cell phone number 03355502321, from which threatening SMSs have been sent, has been verified to be registered in the name of present accused/petitioner nor the SIM of the said number has been recovered from his possession. Similarly, the cell phone number 03327299083, to which the threatening SMSs have been received has also not been verified, to be registered or used by the complainant. All the aforementioned circumstances throw the case against the accused/petitioner within the ambit of further inquiry of section 497 CrPC. Furthermore, the offence for which the accused/petitioner is charged


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does not fall within the prohibitory clause of section 497 CrPC.

4. Hence, in view of what is discussed above, the accused/petitioner is admitted to the concession of bail provided he submits bail bonds in sum of Rs. 200,000/- with two sureties, each in the like amount to the satisfaction of Judicial Magistrate concerned/MOD. Sureties must be local, reliable and men of means. Consign.

Pronounced

02-07-2023



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