

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

Bail Petition .....30/4 of 2023.

Date of institution.....17.04.2023.

Date of decision.....18.04.2023.

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

**Order.02**  
**18.04.2023**

APP for the state present. Learned counsel for accused/petitioner present. Record received. Arguments heard and perused.

Accused/petitioner namely Ambel Khan S/O Talib Jan R/O Qaum Utman Khel, Tappa Bazran 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 accused/petitioner is by name charged in the statements recorded u/s 164 Cr.PC by Jehad Ullah and Imran Khan for snatching cash amount of Rs. 360,000/-, mobile phones and motorcycles. The snatched motorcycles have been recovered from the spot. The offences with which accused/petitioner is charged are heinous in nature and affects the society at large. The punishment for the offences falls within the ambit of prohibitory clause of Section 497 Cr. PC.

As per decisions of the Apex Superior Courts, deeper appreciation of evidence is not permissible at bail stage and only



18/04/2023

**ZAHIR KHAN**  
**Civil Judge/JM**  
**Kalaya Orakzai**

tentative assessment thereof is to be made just to find out connection of accused with the commission of the offence. Pertinent to mention that bail petitions of co-accused have already been dismissed by this court.

Resultantly, application in hand is dismissed. Copy of this order be placed on police as well as judicial record. The requisitioned record be returned back to the quarter concerned.

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

**ANNOUNCED:**  
**18.04.2023**



**Zahir Khan**  
JMIC-I, Kalaya, Orakzai