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


Bail Application No. : 44/4 of 2023
Date of Institution : 11.05.2023
Date of Decision : 18.05.2023

ASIF NAWAZ VS THE STATE

ORDER

DPP, Umar Niaz for State, Sana Ullah Khan Advocate for complainant and Noor Karim Advocate for accused/petitioner present. Arguments heard and record gone through.

(2). The accused/petitioner, **Asif Nawaz** s/o Rehman Khan, after being refused to be released on bail vide order dated 10.05.2023 of learned Judicial Magistrate-II, Tehsil Kalaya, District Orakzai, seeks his post arrest in case FIR no. 08, dated 03.05.2023, u/s 380/457/34 PPC of Police Station Dabori, wherein, as per contents of FIR, the complainant on 03.05.2023 at about 1320 hours made a report to the local police to the fact that he has a public health department tube well on his land for supply of drinking water to the village, which on 01.05.2023 at 05:00 pm was closed by locking the main gate; however, on 02.05.2023 at night time when he visited the tube well he found the lock of the main door broke open with 13 solar plates each of 270 watt, stolen by unknown accused and that now he is satisfied that the offence has been committed


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by accused Asif Nawaz and 04 unknown accused.

Hence, in the instant FIR.

- (3). Perusal of the record shows that though accused/petitioner is directly nominated in the FIR and the alleged recovery of 07 stolen solar plates has been made at the pointation of the accused/petitioner but the matter has been reported to the police with a delay of one day. The accused/petitioner is charged on the basis of information and satisfaction but no source of information or satisfaction has been disclosed. Moreover, the offence for which the accused/petitioner is charged, does not fall within the restrictive clause of section 497 Cr.P.C.


So far, the recovery of stolen solar plates made at the pointation of accused/petitioner is concerned, the identification of the same being stolen property has not been made through the complainant so far.

- (4). Hence, in view of what is discussed above, the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in the sum of Rs. 100,000/- with two sureties, each in the like amount to the satisfaction of Judicial Magistrate concerned/MOD. The sureties must be local, reliable and men of means.

- (5). Copy this order be placed on police/judicial file.

Consign.

Pronounced:
18.05.2023


SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela

