

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

Bail Petition 45/4 of 2023.

Date of institution.....20.05.2023.

Date of decision.....24.05.2023.

Uncle of accused/petitioner namely Ahmad Khan, complainant of
cross version (Fazal Ameen).

APP for the state

Order - 03
24.05.2023

APP for the state present. Uncle of accused/petitioner namely Ahmad Khan present. Injured/complainant of cross version (Fazal Ameen) present. He stated that he would rely on the arguments advanced by public prosecutor and opted not engage counsel. Arguments on behalf of counsel for accused/petitioner and APP for the state already heard. Record already received and gone through.

Accused/petitioner namely Mast Ali S/O Meeras Khan

R/O Qaum Othman Khel, Tappa Fateh Khan Khel, District Orakzai is seeking his post arrest bail in case FIR No.37 dated: 11.04.2023 U/S

324 PPC, PS Kalaya, Orakzai.

Perusal of record reveals that accused/petitioner is directly and by name charged in promptly lodged FIR with effective role. Per medico-legal report of injured/complainant Fazal Ameen, the nature of injury is dangerous. Presence of accused/petitioner at

24/05/2023
ZAHIR KHAN
Civil Judge, JM
Kalaya Orakzai

the spot at the time of occurrence is admitted. Sufficient material is available on file connecting the accused/petitioner with the commission of the offence. Deeper appreciation of evidence is not permissible at bail stage. The offence with which accused/petitioner is charged falls within the ambit of prohibitory clause of Section 497 Cr.P.C. In the given circumstances the accused/petitioner is 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 of this court be consigned to record room after its necessary completion and compilation.

ANNOUNCED:
24.05.2023



Zahir Khan
Judicial Magistrate-I,
Tehsil Kalaya, Orakzai