

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

Bail Petition 66/4 of 2023.
Date of institution.....22.07.2023.
Date of decision.....24.07.2023

Mr. Insaf Ali Advocate for accused/petitioners
Dy.PP for the state.

Order.No.02
24.07.2023


Dy.PP for the state present. Counsel for accused/petitioners present. Attested W/N on behalf of Mr. Insaf Ali Advocate submitted. Record received. Complainant namely Basheer Ahmad present and stated that he has got no objection if accused/petitioners are released on bail.

Statement of complainant Bashir Ahmad recorded wherein, he stated that he has got no objection on release of accused/petitioners on bail. Statement of complainant separately recorded which is duly thumb impressed by him. Copy of his CNIC is Ex.PA.

Arguments heard and record perused.

Accused/petitioners namely Ashiq S/O Khial Shareef and Raza Khan S/O Musa Khan both R/O Qaum Feroz Khel, Tappa Qasim Khel, village Goen, Tehsil Lower, District Orakzai are seeking their post arrest bail in case FIR No.69, Dated: 12.07.2023 U/S 506/34 PPC, PS Kalaya, Orakzai.

Perusal of record reveals that offence with which accused/petitioners are charged does not fall within the ambit of prohibitory clause of Section 497 Cr.PC. In such like cases grant of

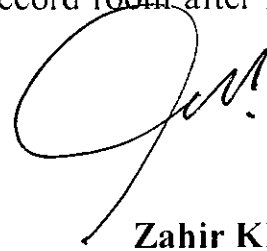

ZAHIR KHAN
Civil Judge JM
Kalaya Orakzai
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bail is a rule and refusal an exception. No such extra ordinary circumstances are available on record to justify departure from this rule. Nothing incriminating has been recovered from possession of accused or on their pointation. Complainant has got no objection on release of accused/petitioners on bail. Investigation has already been completed and accused/petitioners are no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioners behind the bar.

Resultantly, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- with two reliable sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on police as well as judicial record. Record be returned back to the quarter concerned.

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

ANNOUNCED:
24.07.2023



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai