

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

Bail Petition68/4 of 2023.

Date of institution.....25.07.2023.

Date of decision.....31.07.2023.

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

Order.No.03
31.07.2023

Dy.PP for the state present. Mr. Sana Ullah Khan Advocate, counsel for accused/petitioner present. Complainant Mst. Qadar Bibi absent. Record received. Arguments heard and record perused.

Accused/petitioner namely Itbar Khan S/O Arab Khan R/O Qaum Mishti, Tappa Darway Khel, District Orakzai is seeking his post arrest bail in case FIR No. 19 dated: 19.06.2023 U/S 452,354,427,504/34 PPC, Police Station Mishti Mela, District Orakzai.

Perusal of record would reveal that accused/petitioner is directly and by name charged in promptly lodged report by the complainant. It is a day light occurrence and parties are co-villagers therefore, there is no chance of miss or non-identification of accused/petitioner. Specific role has been attributed to the accused/petitioner. Medico legal report also support the version of prosecution. Per site plan, the occurrence has taken place inside the house of injured/complainant. There are eye witnesses to the

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occurrence. Accused/petitioner has remained absconder. Co-accused are still at large. Although, the offence u/s 452 PPC does not fall within the ambit of prohibitory clause of Section 497 Cr. PC but this fact by itself will not create a right in favor of accused/petitioner for grant of bail as there is sufficient material available on record connecting the accused/petitioner with the commission of the offence. Offences are heinous in nature. At this stage, only a tentative assessment is to be made and deeper appreciation of evidence is not permissible.

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 be consigned to record room after its necessary completion and compilation.

ANNOUNCED:

31.07.2023



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JMIC-I, Tehsil Kalaya,
Orakzai