

In the court of Judicial Magistrate - I, Kalaya, Orakzai.

Bail petition: 73/4 of 2023

Date of institution: 19-08-2023

Date of decision: 21-08-2023

Dr - 02

21/8/23

Dypp for the state present. Counsel for accused/petitioner present. Record received. Arguments heard and record perused.

Accused/petitioner namely Abdul Sattar s/o Riyaz Khan R/o Baum Mishki, Tappa Tagha Saam, Orakzai is seeking his post arrest bail in case FIR No. 30, Dated: 11/08/2023 u/s 11-A CrSA and 15-AA, PS Mishki Mela, Orakzai.

Record shows that offence u/s 15-AA is bailable while punishment for offence u/s 11-A CrSA does not fall within the ambit of prohibitory clause of section 497 CrPc. In such like cases grant of bail is a rule and refusal is an exception. No extra ordinary circumstances exist to justify the departure from the said rule.



21/08/2023


ZAHIR KHAN  
Civil Judge/JM  
Kalaya Orakzai

There is no criminal history of accused/petitioner. There is nothing on record which could show that accused/petitioner is previous convict in such like cases. Accused/petitioner has not confessed his guilt before the court. FSL report is not placed on file. Investigation has already been completed and accused/petitioner is no more required to the local police for investigation.

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 sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on police as well judicial record. The requisitioned record be sent back to quarters concerned forthwith, while file of this be consigned to record room after necessary completion and compilation.

ANNOUNCED

21/08/2023

  
ZAHIR KHAN  
Civil Judge/JM  
Kalaya Orakzai  
21-8-23