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IN THE COURT OF FARMAN ULLAH,
SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA

ORDER
19/11/2021

APP for the state present. Accused/petitioners through counsel present. Complainant present in person along with counsel.

The petitioners named Syed Bali Shah S/o Haider Shah and Muhammad Zahid S/o Syed Bali Shah have applied for their post arrest bail in connection with case FIR No. 17 dated 07/07/2021 u/s 379/34 PPC registered in PS Dabori Upper Orakzai.

Arguments heard and file perused.

Perusal of the record reveal that though accused/petitioners were directly charged by the complainant in FIR yet neither complainant himself is the eye witness of the occurrence nor any other person has seen the accused while committing the theft of wooden plank. Similarly, no recovery has been affected form the possession of accused/petitioners. Moreover, the date of occurrence as per FIR is 07.07.2021 while complainant has reported the matter at PS on 14.11.2021. So there is delay of about 04 months in lodging the report and the same delay has not been explained by the complainant. Hence, all these facts and circumstances make the case of accused one of further inquiry. Accused/petitioners have neither confessed their guilt nor there is a criminal history of accused involving in such like cases and similarly, punishment provided for such offence also does not attract prohibitory clause of section 497 Cr.PC,

For above, accused are entitled to the concession of bail at this stage, hence, application in hand is accepted and accused/petitioners are released on bail subject to furnishing of bail bonds to the tune of Rs: 80,000/- with two local sureties each in the like amount to the satisfaction of the court.

Copy of this order be placed on police record and file be consigned to record room. Record requisitioned be sent to quarter concerned.

ANNOUNCED
19.11.2021

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
Senior Civil Judge/JM,
Orakzai at Baber Mela.