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

Bail Petition57/4 of 2022.

Date of institution.....28.12.2022.

Date of decision.....30.12.2022

Mr. Noor Kareem Advocate for accused/petitioners
APP for the state

Order.No.02
30.12.2022

Bail petition received from the court of learned JMIC-II, Kalaya/MOD. Be entered.

APP for the state present. Mr. Noor Kareem Advocate for accused/petitioners present. Record received. Complainant namely Noor Janan absent. He was contacted on his mobile phone No. 03361568953 but none appeared on his behalf till 12:20PM. Arguments of counsel for accused/petitioners and APP for the state heard and record gone through.

Accused/petitioners namely 1. Mastan Akbar S/O Shana Gul, and 2. Shakeel Akbar S/O Abdul Akbar both residents of Qaum Mala Khel, Tehsil Upper, District Orakzai are seeking their post arrest bail in case FIR No.25, Dated:22.11.2022 U/S 506, 447, 427, 34 PPC, PS

Dabori, Orakzai.

Perusal of record reveals that the alleged occurrence took place on 15.10.2022 at 09:30AM and it was reported to the local police on 01.11.2022. Case was registered on 22.11.2022. There is unexplained



30/12/2022
ZAHID KHAN
Civil Judge/JM
Kalaya Orakzai

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delay in lodging of report. Offences with which accused/petitioners are charged do not fall within the ambit of prohibitory clause of Section 497 Cr.PC. In such like cases grant of bail is a rule and refusal is an exception. No extra ordinary circumstances are available on record for refusing bail of accused/petitioners. Co-accused have already been released on bail by the court of learned Senior Civil Judge, Orakzai vide order dated 28.11.2022, therefore, rule of consistency applies to the case of accused/petitioners. 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. Petitioners 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 file as well as judicial record. Record be sent back to the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
30.12.2022



Zahir Khan
JMIC-I, Tehsil Kalaya/MOD,
Orakzai