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Order.03
04.07.2022

Brother of accused/petitioner present. Father of complainant along with counsel present. Record already received. Arguments on behalf of counsel for complainant and APP for the state heard and record gone through.

Accused/petitioner namely Muhammad Ismail S/O Pir Gul is seeking his post arrest bail in case FIR No.10, Dated:18.04.2022 U/S 342, 506, 355/34 PPC, PS Kalaya, Orakzai.

Perusal of record reveals that the alleged occurrence took place on 15.03.2022 at 0800 hours and it was reported to the local police on 16.03.2022 at 0920 hours. Case was registered on 18.04.2022. There is unexplained delay in lodging of report and registration of the case. Offences with which accused/petitioner is 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/petitioner. Co-accused namely Ibrar with similar role has already been released on bail by the court of learned ASJ, Orakzai vide order dated 30.05.2022, therefore, rule of consistency also apply to the case of accused/petitioner. Investigation has already been completed and accused/petitioner is no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioner behind the bar.

Resultantly, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 100,000/- with two reliable sureties each in the like amount to the


ZAHIR KHAN
Civil Judge/JM
Orakzai
04/07/2022

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satisfaction of this court. Copy of this order be placed on police 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:
04.07.2021



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai