

Order.03
22.08.2022

APP for the state present. Brother of complainant along with counsel present. Counsel for accused/petitioners present. Record received. Arguments heard record gone through.

Accused/petitioners namely Muzafar Ali and Waseem Ali both sons of Liaqat Ali R/O Qoum Mani Khel, Tappa Tirai, Village Zaridar, Tehsil Lower, District Orakzai are seeking their post arrest bail in Case FIR No.73 Dated:29.07.2022 U/S 337-A(ii), 337-F(i), 447/34 PPC, Police Station Kalaya.

Offences U/S 337-F(i) and 447, PPC are bailable in nature while punishment for offence U/S 337-A(ii) PPC does 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. On the face of the record, there exists no exceptional circumstances to clog the way of grant of bail to accused/petitioners. There is no criminal history of accused/petitioners as per available record. Similarly, there is nothing on record which could show that accused/petitioners are previously convict or habitual, hardened, desperate or dangerous criminals. Participation of accused/petitioners in the commission of the offence is to be determined

during trial. Accused/petitioners have not confessed their guilt before the court. Furthermore, counsel for accused/petitioners produced birth certificate of accused/petitioner Waseem Ali issued by principal G.H.S.S. Kalaya, Orakzai as per which date of birth of accused is 06.03.2009. Form

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Cm JUDGE/JM
Kalaya Orakzai

(4)

B of accused/petitioner Muzafar Ali also produced as per which date of birth of accused is 10.03.2006. Copy of Form B and school certificate placed on file. As per the above referred documents, accused are minors. Investigation has already been completed and accused/petitioners are no more required to the local police for investigation and no useful purpose would be served by keeping the accused/petitioners behind the bar.

Consequently, application in hand is allowed. Petitioners be released on bail subject to furnishing bail bonds in the sum of Rs. 80,000/- (Eighty thousand) with two sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on police as well as judicial record. The requisitioned 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:
22.08.2022



Zahir Khan
JMIC-I, Kalaya, Orakzai