

IN THE COURT OF SYED OBAIDULLAH SHAH,  
SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 46/4 of 2024

Date of Institution : 15.07.2024

Date of Decision : 19.07.2024

ABDUL AZEEM VS THE STATE

ORDER

DPP, Umar Niaz for the State and Shaheen Muhammad Advocate for accused/petitioner present. Record received. Complainant present in person. Arguments heard and record gone through.

2. Accused/petitioner, **Abdul Azeem** s/o Khalid Khan seeks his release on bail in case FIR No. 13, dated 12.07.2024, u/s 3/4 Explosive Substances Act/427 PPC of Police Station Ghiljo, wherein, as per contents of FIR, on 12.07.2024 the local police during routine patrolling were present on the spot, where at about 1130 hours made a report to the local police to the fact that on the preceding night at about 10:20 hours he along with other inmates of his family were present in his residential room when someone hurled a hand grenade at the roof of his house causing damage, at which he came out of his room, and with the help of a torch, saw the accused/petitioner leaving the spot. Hence, the present FIR.

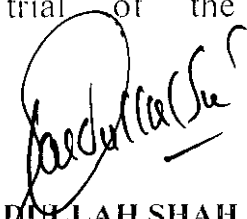
3. Learned counsel for the accused/petitioner argued that the accused/petitioner has falsely been implicated in the instant case to let free the true wrongdoer, that there is eyewitness of the occurrence. On the other hand, learned DPP presented arguments that the accused/petitioner is charged for a heinous offence.

*Syed Obaidullah Shah*  
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4. At the very outset, the complainant stated at the bar that he has got no objection upon the release of the accused/petitioner on bail or upon his acquittal. In this respect, his statement recorded and placed on file.
5. Perusal of the case file reveals that though the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged falls within the prohibitory clause of section 497 Cr.P.C; however, the occurrence has taken place during night with no eyewitness of the same. Moreover, there is unexplained delay in lodging the FIR. Furthermore, no recovery has been made from the spot of occurrence, as per available record. Above all, though the offence is not compoundable, but the compromise is accepted while placing reliance on **2010 P Cr. LJ 1482**.
6. In these circumstances, bail petition in hand stands accepted and the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in the sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.
7. Order announced. File of this court be consigned to record room after its necessary completion and compilation.
8. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 19.07.2024



  
SYED OBAIDULLAH SHAH  
Sessions Judge, Orakzai  
at Baber Mela