

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

Bail Petition 58/4 of 2024.
Date of institution.....03.08.2024.
Date of decision.....05.08.2024.

Mr. Sana Ullah Khan Advocate, counsel for accused/petitioners
APP for the state


Order.No.02
05.08.2024

APP for the state is present. Counsel for accused/petitioners also present. Complainant absent. Per report of DFC, complainant Kamran Khan is charged and absconding in case FIR No. 60 dated 02.07.2024 u/s 324, 427/34 PPC registered in PS Kalaya. Record received. Arguments of counsel for accused/petitioners and APP for the state heard and record perused.

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

Accused/petitioners namely (1) Yasir S/O Ihsan, (2) Nasir S/O Shamal Khan and (3) Hashim Khan S/O Qadar Khan are seeking their post arrest bail in FIR No. 61 dated: 22.07.2024 U/S 504, 506, 337-A(i), 342, 355, 392, 148, 149 PPC, Police Station Kalaya, District Orakzai.

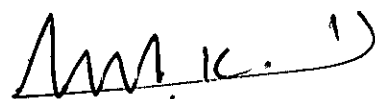
Record shows that the alleged occurrence took place on 14.07.2024 and report of the complainant was scribed in DD vide mad No. 08 dated 14.07.2024. FIR was registered on 22.07.2024. Per contents of FIR, inquiry u/s 157(1) Cr.PC was initiated by the local police to dig out the real facts and to determine whether the alleged occurrence has taken place or not?. No permission of the court for inquiry was obtained by the police. The local police, without associating the accused, prepared final report on 17.07.2024 on the


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strength of which the instant case was registered against the accused/petitioners along with co-accused. The offences u/s 504, 342, 355, 337-A(i) are bailable in nature while the punishment for offence u/s 506 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 an exception. Although, punishment for offence u/s 392 PPC falls within the ambit of prohibitory clause of section 497 Cr.PC, however, nothing incriminating has been recovered from possession of the accused or on their pointation. No specific role has been attributed to the accused/petitioners. Furthermore, accused/petitioners namely Yasir Khan and Nasir Khan are below 18 years of age. 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.

Consequently, application in hand is allowed. Petitioners be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- (fifty 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:
05.08.2024



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai