

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

Bail Petition59/4 of 2024.
 Date of institution.....07.08.2024.
 Date of decision.....08.08.2024

Mr. Khan Kareem Afridi Advocate and Afzal Khan Advocate, counsels
 for accused/petitioner

Order.No.02
08.08.2024

None present for the state despite service of notice. Learned counsels for accused/petitioner present. Record received and arguments heard.

Accused/petitioner namely Khyber S/O Memla Khan R/O District Khyber is seeking his post arrest bail in case FIR No: 67, Dated: 30.07.2024 U/S 324, 353 PPC & 15-AA, PS Kalaya, Orakzai.

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

Record shows that accused/petitioner is directly and by name charged in the FIR. The punishment for the offence u/s 324 PPC falls within the ambit of prohibitory clause of Section 497 Cr. PC. The offence is heinous in nature. Accused/petitioner has been arrested at the spot with 9MM bore pistol used in the commission of the offence. Five empties of 9MM bore have been recovered from the spot from the point of accused/petitioner. Deeper appreciation of evidence is not permissible at bail stage and the



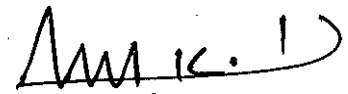
08/08/2024

tentative assessment of the material available on record leads this court to the conclusion that a prima facie case exists against the accused/petitioner. In the given circumstances the accused/petitioner is not entitled to the concession of post arrest bail.

Consequently, the application is turned down. Copy of this order be placed on judicial as well as police file. Requisitioned record be sent back to the quarter concerned forthwith.

File of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
08.08.2024



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai