

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

Bail Petition61/4 of 2024.

Date of Institution.....12.08.2024.

Date of Decision.....15.08.2024.

Order.03
15.08.2024

None present for the state despite service. Assistant of counsel for accused/petitioner is present. Attested W/N submitted. Complainant Muhammad Karim is present. Record received. Complainant stated that he has got no objection if accused/petitioner is released on bail or subsequently acquittal.

Statement of complainant Muhammad Karim recorded wherein, he stated that he has got no objection on release of accused/petitioner on bail. Statement of complainant separately recorded which is duly thumbbed by him. Copy of his CNIC is Ex.PA.

Accused/petitioner namely Shehzad Khan S/O Darya Khan R/O Qaum Ali Khel, Tappa Sher Khel, Tehsil Upper, District Orakzai seeks his post arrest bail in case F.I.R No.13 Dated:09.08.2024 U/S 406 PPC, PS Dabori.

Record transpires that the alleged occurrence took place on 10.04.2024, it was reported on 25.07.2024 and F.I.R was registered against accused/petitioner on 09.08.2024. There is un-explained delay of almost 04 months in lodging of F.I.R. Furthermore, the offence for which accused/petitioner is charged does not fall within the ambit of prohibitory clause of Section 497 Cr. P.C. In such like cases grant of bail is a rule and refusal an exception. No extra ordinary circumstances are available on record for refusing bail of accused/petitioner. Nothing incriminating has been recovered from possession of accused or on his

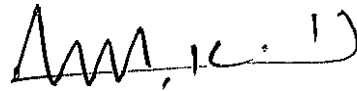
17
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai
15/08/2024

pointation. There is no criminal history of accused/petitioner as per available record. Accused/petitioner has not confessed his guilt before the court. Complainant has got no objection on the release of accused/petitioner or his subsequently acquittal. Investigation has already been completed and accused/petitioner is no more required to the local police for investigation and no useful purpose would be served by keeping the accused/petitioner behind the bar.

Consequently, application in hand is allowed. Petitioner 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:

15.08.2024



Zahir Khan

JMIC-I, Kalaya, Orakzai