

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

Bail Petition84/4 of 2024.

Date of institution.....23.09.2024.

Date of decision.....26.09.2024.

Order – 03
26.09.2024

APP for the state present. Uncle of accused/petitioner present.

Complainant Ain Ullah along with Mr. Sana Ullah Advocate present.

Written arguments on behalf of counsel for accused/petitioner already submitted. Record already received. Arguments heard and record perused.

Accused/petitioner namely Abid Ullah S/O Aziz Manan R/O Qoum Mishti, Navi Mela, District Orakzai is seeking his post arrest bail in case FIR No.52 dated:08.09.2024 U/S 324 PPC, PS MM, Orakzai.

Perusal of record reveals that accused/petitioner is directly and by name charged with effective role of firing in promptly lodged FIR. There is eye witness to the occurrence. Injury sheet and medico legal report support the version of complainant. The offence with which accused/petitioner is charged falls within the ambit of prohibitory clause of Section 497 Cr.P.C. As per decisions of the Apex Superior Courts, deeper appreciation of evidence is not permissible at bail stage and only tentative assessment thereof is to be made just to find out connection of accused/petitioner with the commission of the offence. Sufficient material is available on file connecting the accused/petitioner with the commission of the offence. The record on file leads this court to the conclusion that a

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

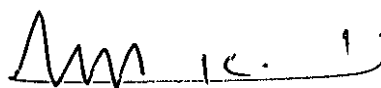
MM 15.1
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prima facie case exists against the accused/petitioner and he is not entitled to the concession of post arrest bail.

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 be consigned to record room after its necessary completion and compilation.

ANNOUNCED:
26.09.2024



Zahir Khan
Judicial Magistrate-I,
Tehsil Kalaya, Orakzai