

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

Bail Petition 86/4 of 2024.
Date of institution.....30.09.2024.
Date of decision.....01.10.2024.

Order.No.02
01.10.2024

APP for the state along with IO present. Counsel for accused/petitioners present. Complainant absent despite service. Attested W/N submitted. Record received. Arguments of counsel for accused/petitioners and APP for the state heard and record perused.

Accused/petitioners namely Ihsan S/O Qadar Shah and Muhammad Taimoor S/O Shamali 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 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. Co-accused have already been released on bail, therefore, rule of consistency also applies to the case of accused/petitioners. Investigation has already been completed and accused/petitioners are no more required to the local police for

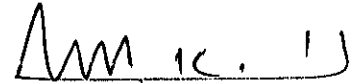
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai



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:
01.10.2024



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai