

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

Bail Petition 07/4 of 2024.
Date of institution.....30.09.2024.
Date of decision.....30.09.2024.

Order.No.02
30.09.2024

Fresh bail petition received from the court of learned JM-II, Kalaya Orakzai. Be entered.

APP for the state present. Mr. Abid Ali Advocate for accused/petitioner present. He submitted attested W/N which is placed on file. Record received. Arguments heard and record perused.

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

Accused/petitioner namely Nusrat Ameen S/O Satar Zai Khan R/O Qaum Beezot, Lower Orakzai is seeking his post arrest bail in case FIR No.54 dated: 26.09.2024 U/S 419, 420, 471 PPC, Police Station Mishti Mela, District Orakzai.

M. K. 11
30/09/2024

Perusal of record reveals that accused/petitioner is charged for cheating by personation and using as genuine a forged service card of Counter Terrorism Department. The recovery of forged service card has been effected from the direct possession of accused/petitioner. The offence is heinous in nature as such like forged cards are used for dishonestly inducing delivery of property and deception. Although, the offence does not fall within the ambit of prohibitory clause of section 497 Cr. PC but this fact by itself will not create a

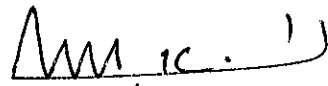
right in favor of accused/petitioner for grant of bail as there is sufficient material available on record connecting the accused/petitioner with the commission of the offence. As per decisions of the Apex Superior Courts, deeper appreciation of evidence is not permissible at bail stage and only tentative assessment thereof is to be made just to find out connection of accused with the commission of the offence. Sufficient material is available on file connecting the accused/petitioner with the commission of the offence. In the given circumstances the petitioner is not entitled to the concession of 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:

30.09.2024



Zahir Khan

JMIC-I, Tehsil Kalaya,
Orakzai