

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4152 of 2018**

1. Nijamuddin Shah son of Tofiq Shah, aged about 27 years, resident of Idrikala Naharpara, Police Station Chando, District Balrampur, CG

---- Applicant**Versus**

1. State of Chhattisgarh through Station House Officer, Police Station Tapkara, District Jashpur, CG

---- Respondent

For Applicant	-	Shri J.K. Saxena, Advocate
For State	-	Shri Rahul Tamaskar PL

Order on Board by Hon'ble Shri Justice Pritinker Diwaker**02/07/2018**

This application under Section 439 of the Code of Criminal Procedure has been filed by the applicant who is in custody in connection with Crime No. 06/2018 registered at Police Station Tapkara, District Jashpur for commission of the offence punishable under Sections 458 IPC and 25, 27 of the Arms Act.

2. Case of the prosecution in short is that on 2.2.2018 the applicant was found in possession of country made pistol and was caught red-handed while trying to enter the house of complainant Kunwar Sai.

3. Counsel for the applicant submits that the offences alleged against the applicant are triable by Magistrate, that he is a young man, that he is in jail since 3.2.2018, that the trial may take some time for conclusion and that there are no criminal antecedents against him, he may be released on bail.

3. State counsel however opposes the application for bail.

4. Considering the facts and circumstances of the case and that the offences alleged against the applicant are triable by Magistrate, that there are no criminal antecedents against him and that he is in jail since 3.2.2018, this Court is of the opinion that it is a fit case to release him on bail.

Accordingly, the application is allowed and the applicant is directed to be released on bail in his furnishing a bond in the sum of Rs. 50,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before that Court as and when directed.

Sd/-

(Pritinker Diwaker)

Judge

Jyotishi