

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2582 of 2017

ORDER:

This criminal petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioner/ A.2 in Crime No.313 of 2016 of Gajuwaka Police Station, Visakhapatnam, registered for the offences punishable under Sections 43, 66 & 66-B of the Information Technology Act, 2000-2008 (for short 'the Act'), to release him on bail, in the event of his arrest in connection with the above crime, apprehending arrest.

It is brought to the notice of this court that, initially, the offences under Sections 43, 66 & 66-B of the Act are non-bailable and later by introduction of Section 77-B of the Act, they are amended as bailable offences. Therefore, Section 438 Cr.P.C. has no application to the offences under Sections referred above.

The petitioner, who is accused of offences punishable under Sections 43, 66 and 66-B of the Act, is incompetent to invoke the jurisdiction of this Court under Section 438 Cr.P.C. Hence, the criminal petition is liable to be dismissed as not maintainable. However, it is left to the petitioner to approach the competent court seeking bail.

In the result, the criminal petition is dismissed.

M.SATYANARAYANA MURTHY, J

10.04.2017
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