

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 464 of 2017

- Arjun Singh Banjare S/o N. L. Banjare, Aged About 30 Years R/o Borsi Bhata, Ward No. 50, Durg, District Durg Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Lines, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rahul Tamaskar, Advocate
For Respondent/State	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Rajendra Chandra Singh Samant

Order On Board

24/01/2018

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. It is submitted by counsel for the applicant that the applicant is apprehending arrest in connection with Crime No. 154/2016, registered at Police Station Civil Lines Bilaspur, District – Bilaspur, Chhattisgarh, for the offence punishable under Section 67 Information & Technology Act, 2000.
3. It is submitted that the applicant has been falsely implicated. The offence registered against the applicant is bailable offence according to Section 67 I.T. Act, 2000. As per allegation against the applicant, he is first offender of the offence described under Section 67 I.T. Act. It is prayed that the applicant may be granted anticipatory bail.

4. Counsel for the state opposes the bail application and would submit that the application is not maintainable as the offence registered against the applicant is bailable offence, therefore, he is not entitled for grant of anticipatory bail.
5. Heard counsel for the party and perused the case diary.
6. The only offence registered against the applicant is under Section 67 I.T. Act. In case of conviction for the first time the offender can be punished for maximum upto three years imprisonment. Section 77 (B) of the I.T. Act, clearly provides that the offence in this act punishable to the extent of three years shall be bailable.
7. Hence, clearly the offence registered against the applicant is bailable and this application is not maintainable only for this reason, this application is dismissed as not maintainable.
8. It is clear that as per allegation against this applicant, he is first offender under Section 67 I.T. which is punishable of either description for a term which may extend to three years and with fine which may extend to five lakh rupees, which is bailable, this should be taken notice of by the arresting authority or the authority or Court before which the applicant surrenders himself.
9. Petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge