

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 12 of 2021**

- Avinash Bandhe S/o Late Bhagbali Bandhe, Aged About 45 Years R/o Village Bhanesar, Jairamnagar, District Bilaspur (Chhattisgarh) Present Address Ashok Vihar Colony, B.H. Ashok Hospital Pandari, P.S. Civil Line Raipur, District : Raipur, Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through Station House Officer, P.S. Civil Line, District : Raipur, Chhattisgarh

--- Respondent

For Appellant	:	Ms. C.K. Navrang, Advocate.
For State	:	Mr. K.K. Singh, G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****11/01/2021**

1. This appeal arises out of order dated 06.11.2020, by which, appellant's application for grant of bail has been rejected.
2. Appellant had earlier moved an application for grant of bail under Section 439 Cr.P.C. which was dismissed as withdrawn vide order dated 07.12.2020 passed in MCRC No.8795 of 2020.
3. Learned counsel for the appellant would submit that present appeal has been filed under mistake of law as this appeal is not maintainable under any law for the time being in force.
4. Learned State Counsel would also submit that offence under Section 67-B of the I.T. Act has been registered against the appellant which is not scheduled offence, therefore, the provisions of NIA Act will have no application.
5. We have also examined the statutory scheme of NIA Act, 2008. The offence

registered against the appellant under Section 67-B of the I.T. Act. This offence is not included in the schedule appended to the NIA Act. Apparently, therefore, present case is not governed by the provisions of NIA Act and therefore, the appeal is also misconceived in law.

6. For the aforesaid reason and in view of the submissions made by learned counsel for the parties, this appeal is held to be not maintainable under the law and is therefore dismissed. This leaves the appellant to work out such remedy as may be available to him under the law against the order of rejection of bail application by the District and Sessions Judge, Raipur vide order dated 06.11.2020.
7. Certified copy of order dated 06.11.2020 (annexure-A/2) be returned after retaining photo copy of the same.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge