

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2742 of 2014

Bajrang Lal Agrwal S/o Shri Banshi Lal Agrawal, Aged about 54 years,
Proprietor M/S A.S. Associate, R/O 208, Sector - 1, Geetanjali Nagar,
PS Kotwali, Civil and Rev. Distt. Raipur, C.G.

---- Petitioner

Versus

1. Union of India Through Commissioner, Central Excise, Customs & Service Tax Department, Central Excise Bhavan, Tikrapara, Dhamtari Road, Raipur, C.G.
2. State of Chhattisgarh Through Secretary, Department of Home Affairs, Mahanadi Bhavan, Mantralaya, Naya Raipur C.G. 492002.

---- Respondents

For Applicant	:	Shri Vivek Sharma, Advocate
For Respondent No.1	:	Shri Shri Maneesh Sharma, Advocate
For Respondent No.2/State:		Shri Garry Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

03/07/2015

The present bail application has been filed u/s 439 of Cr.P.C. for grant of bail to the applicant who was arrested on 09.05.2014 in connection with Crime No. 26/2013-14 registered by the Preventive Branch of Central Excise, Customs & Secrete Tax Department, Raipur for the offence under Sections 89, 90 and 91 of Finance Act.

This Court on 25.06.2014 while considering the application for grant of temporary conditional bail, allowed the same on condition that the entire payment of service tax payable to respondent No.1 by the applicant shall be paid in five installments starting from 10th July, 2014 and ending by 10th October, 2014. However, since there was default in payment of installments on the part of the applicant, he moved an application for extension of time which was allowed by this Court on 10.10.2014 and the period for payment of installment was extended upto 31st December, 2014. Thereafter the applicant has also preferred a SLP i.e. SLP No. 10219/2014 against the order dated 10.10.2014 confining the petitioner to make payments till 31st December, 2014 which was rejected by the Supreme Court on 06.01.2015 holding that if the petitioner needs any further extension of

time, he should approach the High Court for an appropriate relief.

Subsequently, the applicant again moved an application before this Court which was also after due consideration allowed on 20.04.2015 with an observation that the entire balance of amount payable to the department should be deposited by 20.05.2015 failing which the conditional bail granted to the applicant by this Court would stand automatically cancelled.

Today, counsel for the applicant submits that subsequent to the order dated 20.04.2015, the applicant has already deposited the entire balance amount payable to respondent No.1 and the copy of the vouchers in this regard is annexed with the covering memo dated 26.06.2014.

In view of the fact that the entire amount payable to the respondent No.1 by the applicant have already been cleared, this Court is inclined to allowed the M.Cr.C.

Accordingly, the present M.Cr.C. is allowed and the order of earlier bail granted to the applicant by this Court is made absolute.

It is made clear that respondent No.1 may verify this fact and in case if the department finds any default on the part of the applicant, they may move appropriate application.

Sd/-
(P. Sam Koshy)
Judge