

Bhavesh Himatlal Gadavi ...Applicant  
vs.  
State of Maharashtra ...Respondent

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3. The investigating officer is bound to require appreciable time to ascertain whether the persons in whose name the bills were issued are genuine or fictitious and furthermore if themselves are genuine then whether any transactions of sale and purchase had taken place in between the applicant and the said party. The merits of the applicant's contention that the transactions were genuine can be determined only after such tedious investigation is carried out. The applicant on his part has shown his bonafide by depositing Rs. 10 lacs in this Court. Though it is true as pointed out by the learned APP that the said amount may hardly be the 10% of the tax amount alleged to have been evaded, the amount of deposit was fixed to ascertain the bonafide of the applicant and not for compelling him to deposit the entire alleged amount without the said amount is determined by the investigating officer after investigation. The applicant through his counsel has submitted that he

is ready to abide any conditions as would be imposed by this Court. Having regard to it, balancing the rights of both the parties, it appears proper to confirm the interim order upon certain conditions.

4. Resultantly, the interim direction given vide order dated 23-01-2015 is deserves to be and accordingly confirmed.

5. The investigating officer of the C.R No. 282 of 2014 registered with Andheri police station is directed that in event of arrest of the applicant in connection with the said crime, he be released on bail upon furnishing P. R. Bond in sum of Rs. 1,00,000/- (One lac) with one or more sureties to make up like amount and subject to the conditions of the applicant (a) staying at the address mentioned in the application and not changing the same, (b) not leaving the area of

Greater Bombay without permission of the trial Court, (c) attending the investigating officer as and when summoned by him by sending sms on his mobile which is to be furnished by him to the investigating officer today, (d) depositing his passport if any, with the investigating officer or otherwise to file an affidavit with the investigating officer of himself not holding any passport, (e) not directly or indirectly intermingling with any of the witnesses proposed to be examined by the investigating officer, (f) cooperating with the investigating officer for tracing the said parties for recording their statements and (g) not misusing the protection granted by this order for fleeing away or for any other oblique purpose.

Application stands disposed of.

(P.D. KODE, J.)