

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

Criminal Application (ABA) No. 167 of 2015

(Mohd. Iqbal Mohd. Ismail Mansoori Vs. The State of Maharashtra through
P.S.O., P.S. Gadge Nagar, Dist. Amravati)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri R. M. Daga, Advocate for applicant
Smt. K. S. Joshi, APP for the State/non-applicant

CORAM : P. B. VARALE, J.

DATE : 10-8-2015.

Heard Shri Daga, learned counsel for the applicant and Smt. Joshi, learned Additional Public Prosecutor for the State/non-applicant.

Learned counsel Shri Daga invited my attention to the order of this Court dated March 25, 2015 whereby while issuing notice, this Court granted interim protection to the applicant on the backdrop of the submissions made by the learned counsel for the applicant. Shri Daga submits that the applicant was also protected by the learned Sessions Judge for some time. He further submits that this Court by order dated 26-6-2015 permitted the applicant to deposit an amount of Rs. 50,00,000/- as against the approximate amount of Rs. 1,42,81,000/- allegedly due and payable by the applicant. Shri Daga submits that the applicant has deposited the amount with the Sales Tax Department. He has also placed on record copies of challan. Submission of Shri Daga is as the matter relates to the allegation

.....2/-

of evasion of taxes, the Department has also initiated parallel remedies apart from lodging of FIR against the applicant. Further submission of Shri Daga is that the applicant is a proprietor of one Mamta Traders and carrying out his business since long. He submits that there are no criminal antecedents to discredit the applicant and there cannot be any apprehension that the applicant would flee away from the law enforcing agency. On the contrary, the applicant would be available as and when directed by the Investigating Agency to co-operate.

Learned Additional Public Prosecutor opposes the application. She submits that as the matter revolves around the evasion of tax and this being a serious illegality, the protection cannot be granted to the applicant.

On perusal of the material placed on record, the interim order passed by this Court and the directions of this Court that this Court allowed the applicant to deposit an amount of Rs. 50,00,000/- with the Sales Tax Department and the applicant has deposited the said amount and further considering the fact that there is no material on record to say that the applicant is having any criminal antecedents and there cannot be any dispute that the Department can also proceed with by filing the other parallel remedy for recovery of the revenue, in my opinion, learned counsel for the applicant has made out a case. The apprehension of the State can be taken care of by imposing conditions on the applicants. In the result,

.....3/-

the criminal application is allowed.

The interim protection granted by this Court on March 25, 2015 is confirmed on the following conditions :

(a) The applicant to attend the Police Station, Gadge Nagar, Amravati on first and third Sunday of each month between 9.00 a.m. to 12.00 noon and as and when called by the Investigating Officer. The applicant to maintain diary of his attendance duly countersigned by the Police Station Officer.

(b) The applicant to cooperate with the investigating agency.

If the applicant commits breach of these conditions, the State is at liberty to approach this Court.

JUDGE

wasnik

...../-