IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.437 OF 2016

Gumansingh Bhursingh Rajpurohit ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.A.A. Deshpande for the Applicant
Ms.P.P. Shinde, APP, for Respondent – State
Mr.K.R. Patil, PSI, Wada Police Station – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 7, 2016**

P.C.:

1. The applicant-accused is prosecuted for the offences punishable under section 420 of the Indian Penal Code and under sections 74 (2), 73(3)(T), 74(1)(b) of Maharashtra Value Added Tax Act, 2002 in C.R. No.I-6/2016 registered with Wada police station. The Sales Tax department has sent a notice to the applicant-accused that he did not pay sales tax and deceived the government for not paying VAT amounting to Rs.89,66,112/- for the period from 1.9.2014 to 30.9.2014. It is the case of the prosecution that the applicant is a trader and partner in one M/s.Vishnu Steel Pvt. Ltd., Wada, Palghar. He did not respond to the notices sent by the Sales Tax department and he did not submit the accounts book of M/s.Vishnu Steel Pvt. Ltd. which the applicant was supposed to produce. Hence, the offence was registered.

2. The learned Counsel for the applicant produced Form No.318, which is addressed to the Branch Manager of Catholic Syrian Bank where the account of the applicant is opened. It was sent by an Assistant Commissioner of Sales Tax, Thane (Rural), wherein it is mentioned that for the period from 1.4.2014 to 30.9.2014, VAT of Rs.7,18,548/- is due. He further submitted that the form No.213 issued by the same officer to M/s.Vishnu Steel Pvt. Ltd. wherein Rs.718,548/- is shown as due. The learned Counsel submits that the Sales Tax department has frozen the bank account and his office premises are mortgaged with the Sales Tax department. He submits that he is ready to cooperate with the police.

3. Learned Prosecutor informs that the Sales Tax dues are not Rs.89,66,000/- but Rs.7,18,548/-.

4. Perused the FIR. In view of the above, I confirm the pre-arrest bail order dated 9.3.2016 on the same terms, however, the applicant-accused shall attend the concerned police station on 11th April, 2016, 18th April, 2016 and 25th April, 2016 between 11am to 1pm and submit all the necessary documents to the Investigating Officer.

5. Anticipatory Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)