

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO.9/2016

Nitin s/o Bhagirath Chandak

..Versus..

State of Maharashtra, through its Police Station Officer, Gadge Nagar Police
Station, Tah. and Distt. Amravati

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 15.4.2016

Heard Shri A.S. Mardikar, Senior Advocate assisted by Shri
S.G. Joshi, Advocate for the applicant and Shri S.S. Doifode, A.P.P.
for the non-applicant.

The applicant apprehends arrest in crime registered against
him for the offence punishable under Sections 406, 409, 420, 468,
471 and 120-B of the Indian Penal Code and Sections 73(3)(M),
74(3)(O) of the Maharashtra Value Added Tax Act, 2002.
According to the non-applicant, the applicant has not deposited the
amount of value added tax collected by him from the purchasers, to
the extent of Rs.1,85,52,437/-.

In paragraph no.6 of the additional reply filed by the
non-applicant on 25th February, 2016 it is stated that the applicant

had filed an application praying that the assessment order for the period 2010 - 2011 be cancelled as the assessment was conducted in his absence and the Assessing Officer has cancelled the assessment orders for the period 2010 - 2011 and 2011 - 2012 and the re-assessment of liability of the applicant is going on.

Considering the facts of the case, that the applicant is not involved in any crime earlier and as the non-applicant has not been able to show that the custody of applicant is required for further investigation, in my view, the interim order granted by this Court on 7th January, 2016 is required to be confirmed.

Hence, the following order:

- (i) In the event of arrest in Crime No.553/2014 registered by the non-applicant, the applicant be released on bail on furnishing P.R. Bond for Rs.10,000/- (Rs. Ten Thousand Only) and one solvent surety in the like amount.
- (ii) The application is **allowed** in the above terms.

CRIMINAL APPLICATION (APPP) NO.24/2016

In view of disposal of main application, this application does not survive and is **disposed of** accordingly.

JUDGE