

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2522 OF 2017

Mr. Ashish Kumar Trilochand Dubey	... Applicant
V/s.	
The State of Maharashtra	... Respondent

**WITH
BAIL APPLICATION NO. 2491 OF 2017**

Mr. Pravinbhai Chaganbhai Patel	... Applicant
V/s.	
The State of Maharashtra	... Respondent

**WITH
BAIL APPLICATION NO. 2592 OF 2017**

Mr. Ashok Virendrabhai Mishra	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Niranjan Mundargi for the Applicant in BA/2522/2017.
Mr. A.Ponda a/w Jaydeep Thakkar for the Applicant in BA/2491/2017.
Mr. Tarun Sharma for the Applicant in BA/2592/2017.
Ms. P.N. Dabholkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.
DATE : 8th JANUARY, 2018

P.C.:

. These are the applications under Section 439 of Cr.P.C. for bail in C.R. No.I-173/2017 dated 07.09.2017 registered with Thane City Police Station, Thane under Sections 420, 464, 467, 468, 474 read with Section 34 of the Indian Penal Code and being Investigated by Crime Branch Unit-I, Thane.

2 Heard learned Counsel for the respective Applicants and the learned APP. Perused the charge-sheet.

3 It is the prosecution case in nutshell that, on 06.09.2017, the Senior Inspector of Police, Crime Branch, Thane received a confidential information that a person by name Ramesh Shah would be coming at a particular spot near Thane railway station with bogus C-Forms used by the Sales Tax Department for payment/refund of Tax and the same would be sold to an agent by accepting huge amounts. A trap was accordingly laid by the Crime Branch Unit-I, near Thane railway station and the police accosted the principal accused namely Ramesh Kantilal Shah along with certain "C-Forms" printed under the Central Sales Tax Rules, 1957 with Government of India's emblem thereon. During the course of inquiry, the said accused namely Ramesh Shah confessed that he had brought the said Forms for selling it to an agent namely Nilesh Sheth. The police thereafter, arrested Nilesh Sheth. During the course of investigation, the role of Applicants surfaced on record as the beneficiaries of the said "C-Forms" who by submitting it with the Government Department duped the Government exchequer for monetary benefits. During the course of investigation, the Applicant Ashishkumar Dubey on 13.09.2017, the Applicant Pravinbhai Patel on 30.09.2017 and Applicant Ashok Mishra on 16.09.2017 came to be arrested. After completion of investigation, police have submitted charge-sheet.

The Investigating Officer Shri. Sameer Ahirrao has filed a detailed affidavit

dated 07.12.2017. In paragraph No. 17 of the said affidavit, it is stated that the Applicants Pravinbhai Patel and Ashok Kumar Mishra of Sezone Graneto Pvt. Ltd. have got monetary benefit of Rs.12,36,145.43 by using the said bogus “C-Forms” received from the principal accused Ramesh Shah and Nilesh Sheth. It is further stated that Applicant Ashish Kumar Dubey is an employee of Senso Graneto Pvt. Ltd. and he is successful in evading Sale Tax to the tune of Rs.9,69,399.34.

4 The learned Counsel for the respective Applicants submitted that without prejudice to the rights and contentions of the Applicants in the present matter and/or in any other proceedings to be adopted by them, the Applicants are ready and willing to deposit the said sum of Rs.12,36,145.43 and Rs.9,69,399.34 respectively in the Registry of this Court. The said statement is accepted.

5 In view of the above and without going further into the merits of the case, the Applicants on their deposit of the aforestated sum, can be released on bail. It is made clear that the deposit of the said amount shall be condition precedent for releasing the Applicants on bail.

Hence, the following order:

i) The Applicants be released on bail in C.R. No.I-173/2017 dated 07.09.2017 registered with Thane City Police Station, Thane on their furnishing PR bond of Rs.25,000/- each with one or two separate solvent local sureties in the like amount.

ii) Before their release from jail, Applicants Pravinbhai Patel and Ashok

Kumar Mishra either jointly or severally shall deposit a sum of Rs.12,36,500/- (Rs. Twelve Lakhs Thirty Six Thousand and Five Hundred only) in the Registry of this Court.

iii) Before release from jail, the Applicant Ashish Kumar Dubey shall deposit a sum of Rs.9,70,000/- (Rs. Nine Lakhs Seventy Thousand only) in the Registry of this Court.

It is made clear that the deposit of the aforestated amount shall be condition precedent for releasing the Applicants on bail.

iv) After their release from jail, the Applicants shall attend office of Crime Branch, Unit-I, Thane on every first Monday of the month between 11.00 a.m. to 1.00 p.m. till the conclusion of trial.

v) Applicants shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

vi) Applications are allowed in the aforesaid terms.

(A.S.GADKARI, J.)