

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.6809, 6813, 6814, 6815, 6817 & 6811 of 2020

Crl.OP.No.6809 of 2020

1.The Principal Chief Commissioner of GST & Central Excise,
No.26, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34

2.The Senior Intelligence Officer,
Office of the Deputy Director of GST Intelligence,
House Regional Unit,
No.222/1A1, SRM Tower,
Near RC Church,
Outer Ring Road, Shanthi Nagar,
Hosur - 635 109 ... Petitioners

Vs.

Achin Aggarwal ... Respondent

Prayer: Criminal Original Petition filed under Section 439(2)
Cr.P.C., praying to cancel the anticipatory bail order
02.08.2019 granted by this Court in Crl.OP.No.7642 of 2019.

For Petitioners : Mr.N.P.Kumar
Special Public Prosecutor

For Respondent : Mr.I.Abrar Mohammed Abdullah

Crl.OP.No.6814 of 2020

1.The Principal Chief Commissioner of GST & Central Excise,
No.26, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34

2.The Senior Intelligence Officer,
Office of the Deputy Director of GST Intelligence,
House Regional Unit,
No.222/1A1, SRM Tower,
Near RC Church,
Outer Ring Road, Shanthi Nagar,
Hosur - 635 109 ... Petitioners

Vs.

K.Jaisingh ... Respondent

Prayer: Criminal Original Petition filed under Section 439(2)
Cr.P.C., praying to cancel the anticipatory bail order
02.08.2019 granted by this Court in Crl.OP.No.9969 of 2019.

For Petitioners : Mr.N.P.Kumar

Special Public Prosecutor

For Respondent : Mr.I.Abrar Mohammed Abdullah

Crl.OP.No.6815 of 2020

1.The Principal Chief Commissioner of GST & Central Excise,
No.26, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34

2.The Senior Intelligence Officer,
Office of the Deputy Director of GST Intelligence,
House Regional Unit,
No.222/1A1, SRM Tower,
Near RC Church,
Outer Ring Road, Shanthi Nagar,
Hosur - 635 109

... Petitioners

Vs.

Rohit Goel

... Respondent

Prayer: Criminal Original Petition filed under Section 439(2)
Cr.P.C., praying to cancel the anticipatory bail order
02.08.2019 granted by this Court in Crl.OP.No.7645 of 2019.

For Petitioners : Mr.N.P.Kumar

Special Public Prosecutor

For Respondent : Mr.I.Abrar Mohammed Abdullah

Crl.OP.No.6817 of 2020

1.The Principal Chief Commissioner of GST & Central Excise,
No.26, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34

2.The Senior Intelligence Officer,
Office of the Deputy Director of GST Intelligence,
House Regional Unit,
No.222/1A1, SRM Tower,
Near RC Church,
Outer Ring Road, Shanthi Nagar,
Hosur - 635 109

... Petitioners

Vs.

Gaurav Agarwal

... Respondent

Prayer: Criminal Original Petition filed under Section 439(2)
Cr.P.C., praying to cancel the anticipatory bail order
02.08.2019 granted by this Court in Crl.OP.No.9139 of 2019.

For Petitioners : Mr.N.P.Kumar

Special Public Prosecutor

For Respondent : Mr.I.Abrar Mohammed Abdullah

Crl.OP.No.6813 of 2020

1.The Principal Chief Commissioner of GST & Central Excise,
No.26, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34

2.The Senior Intelligence Officer,
Office of the Deputy Director of GST Intelligence,
House Regional Unit,
No.222/1A1, SRM Tower,
Near RC Church,
Outer Ring Road, Shanthi Nagar,
Hosur - 635 109 ... Petitioners

Vs.

N.Mohan Kumar Respondent

Prayer: Criminal Original Petition filed under Section 439(2)
Cr.P.C., praying to cancel the anticipatory bail order
02.08.2019 granted by this Court in Crl.OP.No.9144 of 2019.

For Petitioners : Mr.N.P.Kumar
Special Public Prosecutor
For Respondent : Mr.I.Abrar Mohammed Abdullah

Crl.OP.No.6811 of 2020

1.The Principal Chief Commissioner of GST & Central Excise,
No.26, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34

2.The Senior Intelligence Officer,
Office of the Deputy Director of GST Intelligence,
House Regional Unit,
No.222/1A1, SRM Tower,
Near RC Church,
Outer Ring Road, Shanthi Nagar,
Hosur - 635 109 ... Petitioners

Vs.

C.Murugesan Respondent

Prayer: Criminal Original Petition filed under Section 439(2)
Cr.P.C., praying to cancel the anticipatory bail order
02.08.2019 granted by this Court in Crl.OP.No.9145 of 2019.

For Petitioners :Mr.N.P.Kumar
Special Public Prosecutor
For Respondent : Mr.I.Abrar Mohammed Abdullah

COMMON ORDER

All the petitions have been filed to cancel the anticipatory bail granted to the respondent in CrI.OP.Nos.7642, 7645, 9139, 9144, 9145 & 9969 of 2019 dated 02.08.2019.

2. This Court while granting anticipatory bail in CrI.OP.Nos.7642, 7645, 9139, 9144, 9145 & 9969 of 2019 dated 02.08.2019 imposed the following conditions

9. Accordingly, the petitioners in all the petitions are directed to deposit a sum of Rs.2,10,00,000/- (Rupees two crores ten lakhs only) jointly, in File No. No.INT/ DGGI/HRU/08/2019-G3 of DGGI-HOSUR, by two equal installments, within a period of ten weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned IX Metropolitan Magistrate, Saidapet on condition that the each of the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall deposit a sum of Rs.2,10,00,000/- (Rupees two crores ten lakhs only) jointly, in File No. No.INT/DGGI/ HRU/08/2019-G3 of DGGI-HOSUR, by two equal installments, within a period of ten weeks from the date on which the order copy made ready.

[c] the respondents are directed to deposit a sum of Rs.90,00,000/- (Rupees ninety lakhs only), which is lying in the account of the petitioners' company, freezed by the respondents to the credit of File No.INT/DGGI/HRU/08/2019-G3 of DGGI-HOSUR.

[d] the final order in respect of the said deposits shall be passed by the learned trial Judge at conclusion of trial.

[e] the petitioners shall report before the respondent police daily at 10.30 am., for a period of four weeks and thereafter as and when required for interrogation.

[f] the petitioners shall not tamper with evidence or witness either during investigation or

trial.

[g] the petitioners shall not abscond either during investigation or trial.

[h] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[i] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

Thereafter the respondents did not comply the condition within the time stipulated by this Court and filed petition for relaxing the condition imposed by this Court in CrI.MP.No.15541 of 2019, wherein this Court declined to relax the condition. However, extended further period of 12 weeks time to comply the condition imposed by this Court by order dated 02.08.2019.

3. The only ground raised by the petitioners to cancel the anticipatory bail is that the respondents / accused did not comply the condition even till today. While imposing the condition by this Court specifically stated that if any of the condition failed to be complied with by the respondents / accused, the petition for anticipatory bail shall stand dismissed.

4. Though the learned counsel for the respondents/ accused submitted that writ petition was filed challenging the initiation of proceedings under GST Act and the same was allowed, aggrieved by the same, the petitioners have filed writ appeal and it is pending before the Hon'ble Division Bench of this Court. However, while granting anticipatory bail to the respondents, this Court specifically ordered that if the respondents / accused failed to comply with the conditions imposed by this Court, the anticipatory bail granted to the respondents shall stand automatically cancelled. Even till today, the respondents did not comply the conditions as imposed by this Court. Accordingly, the Anticipatory Bail petitions filed by the respondents stand dismissed. The petitioners are at liberty to proceed in accordance with law as against the respondents.

5. With the above observations, these criminal original petitions are disposed of.

Sd/-

Assistant Registrar

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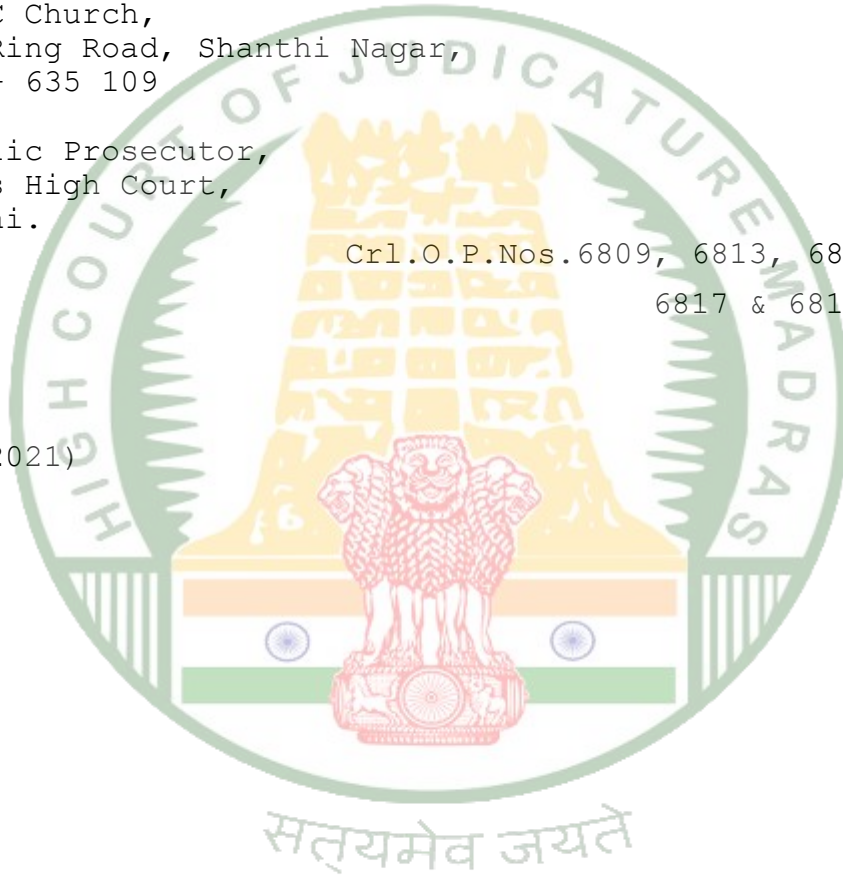
1.The Principal Chief Commissioner of GST & Central Excise,
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3.The Public Prosecutor,
Madras High Court,
Chennai.

Crl.O.P.Nos.6809, 6813, 6814, 6815,
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RGN(CO)
GN(23/02/2021)



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