



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.17666 of 2021

Srinatha Reddy

... Petitioner

Vs.

The Senior Intelligence Officer,
DGGI, Chennai Zonal Unit,
No.16, BSNL Building, Tower-II,
5th and 8th Floors, Greams Road,
Chennai 600 006.

(R.R.No.18/2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in R.R.No.18 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.Muniraja

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.08.2021, by the respondent police for the offences under Section 132(1)(c), 132(1)(i) of the Goods and Services Tax, 2017, seeks bail.

2. The case of the prosecution is that the petitioner is a shareholder and operations in-charge of M/s.Bulldyers Integrated Solutions Private Limited, holder of GSTIN:33AAGCB1171A1ZJ, and the Company was engaged in supplying of service relating to manpower, security and house-keeping to business entities like malls, hospitals, etc. It is alleged that the petitioner had availed fraudulent GST input tax credit to the tune of Rs.19.22 crores on invoice value of Rs.106.81 crores in violation of provisions of CGST Act, 2017. The petitioner had not received any services from the units of which invoices had been issued to the petitioner's Company and thereby the present case was lodged against the petitioner.



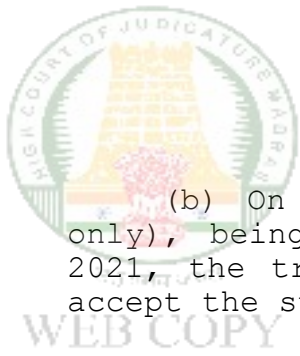
3. The learned counsel for the petitioner submitted that the petitioner never committed any offence as alleged by the prosecution and he is innocent of the said commission of offence and he has been falsely implicated in this case. He further submitted that the bail application was dismissed by the trial court and, therefore, petitioner is before this Court for grant of bail. Though allegation is made against the petitioner as if he violated the provisions of CGST Act, 2017, in the very same issue, adjudication was initiated by the GST authorities. Even otherwise, if the guilt of the petitioner is proved, the petitioner has to deposit the entire amount as alleged in the complaint. The petitioner has already deposited an amount of Rs.35 lakhs to the GST authorities and the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.1.5 Crores to the credit of the crime number. He has also filed an affidavit to that effect, wherein it is stated that he will pay the amount of Rs.25 lakhs on or before 01.10.2021 and another sum of Rs.25 lakhs on or before 09.10.2021 and balance amount of Rs.1 crore, within 6 weeks from the date of release on bail.

4.The learned Government Advocate (Crl.Side) submits that this Court may issue direction to the petitioner to cooperate with the investigation, which is pending and further if the amount is not deposited, as stated in the affidavit, this Court may permit the GST authorities to proceed with the case in the manner known to law.

5. Considering the submission made by the learned counsel for the petitioner and further the fact that the petitioner, on his own volition, is ready and willing to deposit the balance amount of Rs.1.5 crores to the credit of the above Crime Number, this Court is inclined to grant bail to the petitioner on the following conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his execution of a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Additional Chief Metropolitan Magistrate (E.O.-I), Egmore, Chennai 600 088 and on further condition that:

(a) the petitioner shall deposit a sum of Rs.1,50,00,000/ (Rupees One Crore and Fifty Lakhs only) to the credit of R.R.No.18 of 2021 on the file of the respondent. Of the said amount of Rs.1.5 Crores, the petitioner is directed to make payment of first instalment in a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only), on or before 09.10.2021 and the balance amount of Rs.1,00,00,000/- (Rupees One Crore only) shall be paid within a period of six weeks from the date of release on bail;



(b) On the said payment of Rs.50,00,000/= (Rupees Fifty Lakhs only), being paid by the petitioner to the credit of R.R.No.18 of 2021, the trial court, upon confirmation of the said payment, shall accept the sureties produced by the petitioner;

(c) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner 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]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

30/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL CHIEF METROPOLITAN MAGISTRATE (E.O.-I),
EGMORE, CHENNAI 600 088.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SENIOR INTELLIGENCE OFFICER,
DGGI, CHENNAI ZONAL UNIT,
NO.16, BSNL BUILDING, TOWER-II,
5TH AND 8TH FLOORS, GREAMS ROAD,
CHENNAI 600 006.

+2 CC to M/S A.MUNIRAJA Advocate on payment of necessary
charges SR.NO.10805

CRL OP.17666/2021

Date :30/09/2021

RW 01/10/2021