

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2122 OF 2022**

Rohan Robart Pillai .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Jogendra Thakur for the Applicant.

Mr.S.V.Gavand, A.P.P. for the State/Respondent.

PI Sanjay Chavan attached to Nirmal Nagar Police Station,
present.

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CORAM: BHARATI DANGRE, J.

DATED : 18th AUGUST, 2022

P.C:-

1. The applicant is accused of the offences punishable under Sections 409, 420, 467, 479 read with Section 120-B of IPC and under Sections 132(1)(i)(e)(f) and 132(1)(ii)(iv) of GST Act, 2017.

2. The complaint lodged by the complainant is to the effect that one account in the name of M/s.Shruti Enterprises (GSTIN-27BEDPP1904AIZI) was opened by Mr. Rohan Robart

Pillai (present applicant), on the basis of the no-objection certificate issued by Robert M. Pillai. The longish complaint, when carefully read, would reveal that a fictitious GSTIN account was obtained by one Yasir Shaikh and the account number and details of the applicant were put to use and in consideration of which, a sum of Rs.20,000/- to Rs.30,000/- was parted with. The Officer of the GST Department has unearthed that by opening such an account, GST refund to the tune of Rs.3,80,89,785/- came to be deposited in the said account. On further inquiry, it was revealed that the amount has been withdrawn from the said account and, subsequently transferred in the names of distinct firms. The accusation faced by the applicant is, he assisted in opening of the said account in the name of 'Shruti Enterprises'; from which the refund has been encashed and subsequently diverted.

The accusations levelled in the complaint are serious and when the learned A.P.P. is asked to throw light on the account through which the amount was diversified, learned A.P.P. states that the said accounts are also fictitious, but the fact remains that the amounts have been withdrawn from the said account.

True it is that the applicant is a sultry player in the entire episode and the real kingpin may be Mr.Yasir Shaikh, who according to the prosecution, is absconding. The Investigating Officer must focus upon the larger role of those, who are involved. However, considering that huge amount of GST refund has been credited by the Department in the said account, which at present belongs to the applicant, his custodial interrogation may lead to further progress in the investigation and, therefore, the present application does not deserve any consideration and it is rejected.

(SMT. BHARATI DANGRE, J.)