GRM

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

**CRIMINAL WRIT PETITION NO. 564 OF 2023**

Maitreya Doshi … Petitioner

**V/s.**

Income Tax Department & Ors. … Respondents

Ms. Gunjan Mangla a/w Ms. Dhanyashree Jadeja & Ms. Vanshika Shroff i/b Jadeja & Satiya, Adv. for the Petitioner.

None for Income Tax Department/Respondent No. 1.

Ms. Anamika Malhotra, APP for the State/Respondent.

**CORAM : R. G. AVACHAT, J.**

**DATED : FEBRUARY 23, 2023**

**P.C. :**

Heard.

2. The challenge herein is to the condition (d) in the order dated 02/01/2023, passed by the Court of Additional Chief Metropolitan Magistrate, 38th Court, Ballard Pier, Mumbai in the Criminal Case bearing No. 528/SW/2019.

3. It is the case for the offence punishable under Section 276-B read with 278-B of Income Tax Act, 1961. Learned Advocate informs that the sum of Rs. 92,43,070/- towards TDS has already been paid. In another case, the similar condition imposed by the Trial Court in a matter arising out of cheque bouncing case, has been withdrawn/set aside by the order of this Court.

4. Inspite of service of notice, none appears for the respondent/ Income Tax Department.

5. Considering the nature of offence and the applicant has permanent place of abode in Mumbai only, the condition (d) in the impugned order, is hereby withdrawn.

6. Writ petition stands disposed of accordingly.

**(R. G. AVACHAT, J.)**