

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

ANTICIPATORY BAIL APPLICATION NO.1107 OF 2023

Kamlesh Majithia

...Applicant

Versus

Commissioner of State Tax,
Maharashtra State and Ors.

...Respondents

...

Mr. Pankaj D. Jain with Ms Tejashree R. Kamble i/b. M/s. P.D. Jain and Co. for the Applicant.

Mr. S.V. Gavand, APP for Respondent -State.

Mr. R.K. Pathak, SPP for MGST.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th APRIL, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in File No.AC(INV)D-001/Rai. Dn/Platinum Trading Co?B-345, Navi Mumbai, for the offence punishable under Section 132 of the Maharashtra Goods and Services Tax Act,, 2017.

2. Heard Mr. Pankaj Jain, learned counsel for the Applicant, Mr. R.K. Pathak, learned Spl. PP for Respondent Nos.1 and 2 and Mr. S.V. Gavand, learned APP for Respondent No.3-State. I have perused the records and considered the submissions advanced by the learned

counsel for the respective parties.

3. The records reveal that previous application for pre-arrest bail being Anticipatory Bail Application No.2321 of 2022 was rejected by this Court (Coram: M.S. Karnik, J.) vide order dated 13/03/2023. The order records that the application was premature and further observes that the Applicant must co-operate with the investigation which according to the Respondent was only for the purpose of recording his statement and to verify the books of accounts that the Applicant had regarding M/s. Platinum Trading Company.

4. It is stated that pursuant to the said order, the Applicant appeared only once i.e. on 05/04/2023. The Applicant was called on 11/04/2023. The Applicant failed to appear on that date under the pretext that there was death in the family. He did not report thereafter and did not co-operate with the investigation. The Applicant had not produced the documents regarding M/s. Platinum Trading Company and has not co-operated with the investigation, despite order of this Court in Anticipatory Bail Application No.2321 of 2022.

5. The Applicant has filed successive bail application without

complying with the conditions of the previous order. Entertaining such application will encourage forum shopping, which is not conducive to judicial discipline. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)