



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

BAIL APPLICATION NO. 3120 OF 2023

ARJUN SEKHAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

**ALONG WITH
BAIL APPLICATION NO. 3130 OF 2023
(NOT ON BOARD)**

ADITYA SEKHAR ..APPLICANT
VS.
1 .THE STATE OF MAHARASHTRA
2. THE SUPERINTENDENT
(ANTI EVASION).
CGST & C.EX.
RAIGAD COMMISSIONERATE ..RESPONDENTS

Dr. Uday Warunjikar, Senior Advocate a/w Ms. Sabiha Ansari,
Adv. Hulyalkar, Ms. Aisha Shaikh, Ms. Tanvi Rane, Mr.
Veerdhawal Deshmukh, Mr. Akshaykumar, for the
Applicants.
Mr. Subir Kumar a/w Mr. Satyaprakash Sharma and Ms.
Janhavi Hirlekar, for Respondent No.2.
Ms. Veera Shinde, APP for the State- Respondent No.1.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 11, 2023

P.C. :

1. Heard learned counsel for the applicants, learned
counsel for respondent no.2 and learned APP for the State.
Replies filed by the respondent no. 2 opposing the

applications are taken on board.

2. These are the applications for bail in respect of the offence punishable under sections 132(1)(b), 132(1)(c), 132(1)(f), 132(1)(k), 132(1)(l), 132(1)(i), 132(1)(iv), 132(5) of the Central Goods and Services Tax, 2017 read with 420 and 120B of the Indian Penal Code, 1860 in connection with RCC No. 513/2023 arising out of Remand Application in File No. F.NOV /P1/RGD /GR-1 /PASSION PLAY/ 30-258/ 2022-23 registered with Superintendent of CGST & C. Ex., Raigad Commissionerate.

3. The applicants were arrested on 14/03/2023. The applicant-Arjun Sekhar is the Director of the company and the other accused Aditya Sekhar was working as a Chief of Operations of the company in question. Learned counsel for the applicants submitted that the company was sold of to a third person by the applicants on 01/04/2022. Learned counsel for CGST while opposing the applications for bail submitted that on paper, the applicants have shown that the company had been sold of, however, the input tax credits to the tune of Rs.19 Crores have illegally been availed of by the applicants even after so called sale of the

company.

4. The co-accused who are now the purported owners of the company, are absconding. The investigation is still in progress qua the accused who are absconding.

5. Learned counsel for the respondent no.2 further submitted that so far as the applicant- Aditya Sekhar is concerned, there is similar offence registered against him for violating the provisions of CGST where the amount involved is more than Rs. 5 Crores.

6. In my opinion, the criminal antecedent by itself is not sufficient to deny the applicant -Aditya Sekhar the facility of bail. The applicants were arrested on 14/03/2023 and are now in custody for more than 9 months. The maximum punishment for the offence alleged is rigorous imprisonment of 5 years. The charge has not been framed so far. The trial is likely to take a long time to conclude. The applicants have voluntarily filed affidavit-cum-undertakings that they are willing to deposit sum of Rs. 10 lakhs each before this Court. Learned Counsel on instructions submits that the said amount will be deposited within 3 weeks from the date of their release. The statement is accepted as an

undertaking to this Court. Upon depositing the amount, the same shall be transferred to the trial Court which shall abide by the decision in the criminal case registered against the applicants. Both the undertakings are taken on record. The investigation is complete as against the applicants. Hence, the following order :-

ORDER

- (a) The applications are allowed.
- (b) The applicants Arjun Sekhar and Aditya Sekhar in connection with RCC No. 513/2023 arising out of Remand Application in File No.F.NOV/P1/RGD/GR-1/PASSION PLAY/30-258/2022-23 registered with Superintendent of CGST & C. Ex., Raigad Commissionerate, shall be released on bail on their furnishing P.R. Bond of Rs.50,000/- each with one or more local sureties in the like amount.
- (c) The applicants are permitted to furnish cash bail surety in the sum of Rs. 50,000/- each for a period of 4 weeks in lieu of surety.
- (d) The applicants shall attend the CGST, Raigad once in a week on every Sunday of the month between 11.00 a.m. and 1.00 p.m. till further orders of the trial Court.
- (e) The applicants shall not directly or indirectly make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the CGST Raigad and shall keep them updated, in case there is any change.

(g) The applicants shall not leave the State of Maharashtra without permission of the trial Court.

(h) The applicants shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) The applicants shall surrender their passports to the investigating officer. If the applicants do not have passports, they shall file the affidavit to that effect before the trial Court.

(j) If it is found that the applicants are indulging in similar acts in future of availing fraudulent GST credits, liberty is open to apply for cancellation of bail.

7. The applications are disposed of.

(M. S. KARNIK, J.)