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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.29154 of 2022

The State Represented by
Mr.Atul Singh
Senior Intelligence Officer/ Superintendent
O/o Principal Commissioner, CGST (DGG)
Greams Road, Chennai

... Petitioner

Vs.

Ajay P. Benjamin

... Respondent

PRAYER: Criminal Original Petition filed under Section 439(2) of Cr.P.C.,
pleased to cancel the bail order dated 21.11.2022 granted by the Principal
Sessions Judge, Chennai Crl.M.P.No.21565 of 2022 in R.R.No.25 of 2022
on the file of Principal Sessions court at Chennai.

For Petitioner : Mr.N.P. Kumar,
Special Public Prosecutor

For Respondent : Mr. R. Johnsathyan for
K.T.Raghavan
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to cancel the bail order dated 21.11.2022 granted by the Principal Sessions Judge, Chennai Crl.M.P.No.21565 of 2022 in R.R.No.25 of 2022 on the file of Principal Sessions court at Chennai.

2. The case of the prosecution is that the respondent is working as Senior Intelligence Officer in Directorate General of GST Intelligence. While so it is found that the respondent without issuing of tax invoices of GST and suppressing the value of taxable supplies with an intention to evade payment of GST and thereby caused loss to the Government's exchequer to the tune of Rs.10.58 crores.

3. The learned counsel for the petitioner submits that by an order dated 21.11.2022 the Principal Sessions Judge, Chennai in Crl.M.P.No.21565 of 2022 in R.R.No.25 of 2022 has granted bail to the respondent. He also submits that the money cheated by the respondent is a huge amount and hence, he prays to cancel the same.

4. The learned counsel appearing for the respondent would submit that he has remitted a sum of Rs.95,00,000/- which would indicate that he never intend to evade the tax and he always preferred to pay the due tax on



finalization of accounts. He further submit that without prejudice to his claim to show his bonafide he is ready to deposit the amount as directed by this Court. Hence he prays this Court to dismiss this petition.

5. Considering the facts of the case and the submissions, the respondent is directed to deposit title deeds worth about Rs.50,00,000/- (fifty Lakhs Only) standing either in his name or in the name of the family members or relatives and also directed to deposit a sum of Rs.50,00,000/- (fifty lakhs Only), to the credit of R.R. No. 25 of 2022 before the concerned Magistrate within a period of eight weeks days from the date of the receipt of a copy of this order. Further the petitioner is directed to appear before the respondent police on every Tuesday and Friday for five months. All other conditions imposed by the Court below shall remain intact. Accordingly this Criminal Original petition is dismissed.

30.01.2023

Speaking Order/Non-speaking Order

Index :Yes/No

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T.V.THAMILSELVI,J.

smn

To

1.The Senior Intelligence Officer/ Superintendent
O/o Principal Commissioner, CGST (DGG)
Greens Road, Chennai

2. The Principal Sessions Judge, Chennai

3. The Public Prosecutor,
High Court of Madras.

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