

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

Anticipatory Bail Application No. 2006 of 2024

Sanjay Vijay Khetan
Age 39 years, Occ. Business,
R/at.: 4/A, 203, Ashok Nagar,
Kalyan Road, Bhiwandi,
Thane – 421 302.

... Applicant

Vs.

The State of Maharashtra
(At the instance of Wagale Estate
Police Station, EOW, Thane)

... Respondent

Mr Nikhil Wadikar i/b. Sejal Jain, for the applicant.
Mr Amit A Palkar, APP, for the respondent/ State.
PI SP Jaitapkar, EOW Thane City, is present.

Coram: R. N. Laddha, J.
Date: 23 July 2024

P.C.:

Heard Mr Nikhil Wadikar, the learned Counsel appearing on behalf of the applicant and Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.253 of 2014, registered at Wagale Estate Police Station, Thane, for offences punishable under Sections 463, 464, 409, 468, and 471 of the Indian Penal Code (for short, 'IPC'), and Sections 74(1C), (1), and (2) and 74(4) and (5) of the Maharashtra Value Added Tax, 2002 (for short, 'MVAT Act').

3. The prosecution alleges that from 2009 to 2012, the applicant evaded paying the state government Rs. 6,74,082/- in tax by preparing false and fabricated bills of Penguin Industries.

4. Mr Nikhil Wadikar, the learned Counsel for the applicant, asserts the applicant's innocence and contends that there has been a considerable delay in filing the FIR and in the progress of the investigation. He points out that on 27 August 2012, the applicant received a notice under Section 61 of the MVAT Act. On the same day, a raid was conducted at the applicant's residence. After about two years, on 27 September 2014, the present FIR came to be lodged. After that, on 6 December 2017, the applicant received a notice under Section 41 A of the Code of Criminal Procedure, 1973.

5. Further, Mr Wadikar submits that all sections, except Section 468 of the IPC, are bailable. The applicant has supplied the necessary documents to the investigating agency, and nothing remains to be recovered or discovered at his instance. The applicant is ready and willing to abide by the terms set forth by this Court.

6. Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State, submits that the charge sheet has been filed, and on instructions, he acknowledges that the applicant's custody is not required.

7. Upon perusing the records, there appears to be a significant delay in lodging the FIR. The investigation is completed, and a charge sheet

has been filed. Moreover, the prosecution does not seek the applicant's custody. In the circumstances, the application deserves to be allowed. Hence, the following order:

ORDER

(i) In the event the applicant is arrested in CR No.253 of 2014, registered at Wagale Estate Police Station, Thane, he shall be released on bail upon executing a PR bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall not, himself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses.

8. The application is disposed of accordingly.

(R. N. Laddha, J.)