

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION NO. 21179 of 2019**

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VIJAYCHANDRAKANT TRIVEDI @ TRIVEDI VIJAYBHAI CHANDRA  
SHANKARBHAI

Versus

STATE OF GUJARAT

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Appearance:

MR.J.M.PANCHAL, ADVOCATE with MR ASHISH M DAGLI(2203) for the  
Applicant(s) No. 1,2

MR.J.K.SHAH, APP, (2) for the Respondent(s) No. 1

RULE SERVED BY DS(65) for the Respondent(s) No. 2

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**CORAM: HONOURABLE MR.JUSTICE A.Y. KOGJE**

**Date : 10/12/2019**

**ORAL ORDER**

1. This application is filed by the applicants under Section 439 of the Code of Criminal Procedure, 1973 for regular bail in connection with **File No.SRV-KAMI-1/Ghatak-76, Bhavnagar, GST with Bharatnagar Police Station, Bhavnagar** for the offence punishable under Sections 132(1)(i), 132(1)(c) and 1325(5) of the GST Act.

2. Learned advocate appearing on behalf of the applicants submits that considering the nature of offence, the applicants may be enlarged on regular bail by imposing suitable conditions.

3. On the other hand, the learned Additional Public Prosecutor appearing for the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.

4. Learned Advocates appearing on behalf of the respective parties do not press for a further reasoned order.

5. I have heard the learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered :-

I) The First Information Report is registered on 30.08.2019 for the offence which is alleged to have taken place on 30.08.2019.

II) The applicants are in custody since 30.08.2019.

III) The investigation qua the applicant is concluded as now the complaint is filed upon due course of investigation.

IV) The submission of learned advocate for the applicants is that the co-accused of the very FIR from whom the alleged invoices/bills/documents which were used for creating input tax credit has been protected by Division Bench of this Court in a separate proceedings challenging the very prosecution.

V) Considering the maximum sentence that can be imposed.

VI) Considering the nature of offence and maximum sentence that can be passed.

VII) Learned Additional Public Prosecutor under the instructions of the Investigating Officer is unable to bring on record any special circumstances against the applicants.

6. In the facts and circumstances of the case and considering the nature of the allegations made against the applicants in the First Information Report, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicants on regular bail.

7. Hence, the present application is allowed. The applicants are ordered to be released on regular bail in connection with **File No.SRV-KAMI-1/Ghatak-76, Bhavnagar, GST with Bharatnagar Police Station, Bhavnagar** on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) **each** with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that they shall;

- (a) not take undue advantage of liberty or misuse liberty;
- (b) not act in a manner injurious to the interest of the prosecution & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be collected by the police;
- (c) surrender passport, if any, to the Trial Court within a week;
- (d) not leave the State of Gujarat without prior permission of the Trial Court concerned;
- (e) mark presence before the concerned Police Station once in a month for a period of six months between 11.00 a.m. and 2.00 p.m.;
- (f) furnish the present address of their residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of Trial Court;

8. The authorities will release the applicants only if they are not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter.

9. Bail bond to be executed before the lower Court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions, in accordance with law.

10. At the trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicants on bail.

11. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct Service is permitted.

Siddharth

(A.Y. KOGJE, J)

