

Court No. - 84

Case :- MATTERS UNDER ARTICLE 227 No. - 5789 of 2019

Petitioner :- Vikalp Jain

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Dhiraj Srivastava, Sr. Advocate

Counsel for Respondent :- Ramesh Chandra Shukla

Hon'ble Anil Kumar-IX, J.

Heard Sri Dhiraj Srivastava Senior Advocate, learned counsel for the petitioner and learned A.G.A. for the State.

This writ petition has been filed by the petitioner who is involved in Case No. 17 of 2018, under Section 132(1) (a) CGST department (CIU), Noida for prayer to set aside the impugned judgement and order dated 19.07.2019 passed by Special Chief Judicial Magistrate, Meerut, rejecting the prayer of the petitioner to waive or reduce one of the conditions of bail to deposit Rs.1 Crore within three months from the date of release on bail and it is also prayed in the petition to set aside the order dated 26.07.2019 passed by Sessions Judge, Meerut in Criminal Revision No. 103219 of 2019 (Vikalp Jain Vs. Union of India and others) dismissing the revision.

It is contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case due to ulterior motive. It is further contended that the department had not issued any show cause notice to the petitioner in respect of alleged evasion of tax of Rs. 94 Crores. The petitioner has been released on bail by the Court concerned on a condition that petitioner will deposit Rs.1 Crore towards Goods and Service Tax within three months from the date of release on bail in the Government Treasury. It is further contended that condition imposed by the Court below is harsh and illegal. It is also submitted that his prayer to reduce the amount required to be deposited in pursuance of bail order, was also rejected by the Court below, without considering his financial status.

Learned counsel for the opposite party vehemently opposed the prayer and submitted that the applicant was actively involved in evasion of GST to the tune of more than Rs. 94 Crores in violation of provisions of evasion of Central Goods and Service Tax, Act 2017 of Rules made thereunder. He has been enlarged on bail in pursuance of the order dated 11.12.2018 passed by Special C.J.M., Meerut but he has not complied with the condition of bail to deposit Rs. 1 Crore within three months

from the date of release. His application for quashing this condition imposed by the Courts below in bail order dated 11.12.2018 for depositing of Rs.1 Crore in the Government Treasury within three months from the date of release on bail was rejected by co-ordinate Bench of this Court vide order dated 28.03.2019 passed in Criminal Misc. Bail Application No. 12504 of 2019.

Considering the submissions advanced by learned counsel for the parties and perusal of the record as well as the order of the Court below, this Court is of the opinion that no interference is required by this Court in the impugned orders passed by the Courts below.

Accordingly, this writ petition is **dismissed**.

Order Date :- 2.8.2019

Rahul.