

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC. APPLICATION NO. 11613 of 2022

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SURESHBHAI RAMANBHAI PRAJAPATI

Versus
STATE OF GUJARAT

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Appearance:

MR HITENDRA D RAJPUT(7224) for the Applicant(s) No. 1

MR PRANAV TRIVEDI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI

Date : 22/09/2022

ORAL ORDER

1. This application has been filed under section 439 of the Code of Criminal Procedure for regular bail in connection with FIR No. 11191043220204 of 2022 registered with Shahpur Police Station, Ahmedabad City for offences punishable under sections 406, 420, 465, 467, 468, 471, 201 and 114 of IPC.

2. Mr. Hitendra Rajput, learned advocate for the applicant submits that the only role which is attributed to the present applicant is of introducing one Mr. Gautam Goklani to the main accused—Pankaj Rajput in getting the GST number. Mr. Rajput submits that the same is only

simple introduction so as to collect the documents concerning GST of the witness—Gautam Goklani while there is no such allegation by the present complainant of even introducing him to the main accused. Mr. Rajput submits that the police has raised other transactions to suggest conspiracy but there have been no complaint by any of the persons of any dupe transaction through the present applicant. Mr. Rajput submits that the accused—Pankaj Rajput had assured loan to the complainant from IDFC FIRST Bank in the name of Vasudev Traders and account was opened and GST number was generated and the necessary documents by way of PAN Card, Aadhar Card and others were collected for Bank account and for GST number. However, the complainant has not alleged any misuse of GST for generating any money. The only allegation is of misuse of rent agreement which was in the name of the deceased father of the complainant. APP Pranav submits that during the course of investigation, many

other transactions were found where the main accused had created GST number in the name of various persons by procuring their identity documents and as per the investigating officer, there is alleged transaction of Rs.141 crores to the GST number of various other persons.

3. Taking into consideration the accusation which is mainly against Pankaj Rajput, no specific role has been attributed in the FIR and the only role which is attributed against the applicant is of introducing people to the main accused for generating the GST numbers and such allegation has been found in the charge-sheet which was made by Gautam Goklani which also suggest that the present applicant has introduced him to the main accused.
4. Considering the role so attributed and the fact that trial will take long time to conclude, discretion is exercised in favour of the applicant.

5. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with Shahpur Police Station, Ahmedabad City on executing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that the applicant shall:

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave India without prior permission of the concerned trial court;

[e] furnish the present address of 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 the concerned trial court;

6. The authorities shall adhere to its own Circular relating to COVID-19 and, thereafter, will release the applicant only if the applicant is 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. Bail bond to be executed before the lower Court having jurisdiction to try the case.

7. Rule is made absolute to the aforesaid extent. Direct service is permitted. Registry to communicate this order to the concerned Court/authority by Fax or Email forthwith.

Maulik

(GITA GOPI,J)