

GIB/RJ/BHAGWAN SAHAY/04.05.2021/HC-224

High Court Category : GRANT OF BAIL

State : Rajasthan

Order No.: GIB/RJ/BHAGWAN SAHAY/04.05.2021/HC-224

Name of Entry :
BHAGWAN SAHAY GUPTA

Date : 04-05-2021

Breif Issue :

FACTS AND ISSUE OF THE CASE:

In this case petitioner has filed bail application under Section 439 of Cr.P.C. for offence under Section 132(1)(i) (iv) with Sub-Section (5) of Central Goods & Service Tax Act, 2017.

It is contended by counsel for the petitioner that petitioner is a Chartered Accountant who created the firms on the basis of documents provided by the co-accused. As per the complaint filed by the Department, petitioner instead of charging ? 1500/- per GST return, charged around ? 3,500/- per GST return. However, there is no allegation in the complaint that he has received any amount or any percentage with regard to the wrong input tax credit

It is further contended that petitioner is in custody from 23.01.2021. The maximum sentence provided for the offence with which petitioner is charged is six months. It is contended that as per the charge-sheet, petitioner has only received ? 75,000/- for filing GST returns and ? 5,000/- per firm for the registration.

Counsel for the Union of India has opposed the bail application. It is contended that petitioner was instrumental in registration of 11 fake firms and these firms have availed input tax credit to the tune of ? 146 crores. It is also contended that petitioner was aware as he was filing GST returns of non-existent firms.

Decision of Advance Ruling Authority :

DECISION:

Taking note of the fact that Chartered Accountant has remained in custody for a period of one year and five months and that petitioner is also having a child and also considering the contentions put forth by counsel for the petitioner, it is deemed proper to allow the bail application.

It is directed that accused petitioner shall be released on bail provided he furnishes a

personal bond in the sum of ₹ 1,00,000/- together with two sureties in the sum of ₹ 50,000/- each - Bail application allowed.