

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
19TH COURT ESPLANADE, MUMBAI

R. A. NO. 723 OF 2025

Mr. Ritesh Padamchand Burad ... Applicant/Accused
V/s.

Inspector of Central Goods
and Services Tax and Central Excise ... Respondent

ORDER BELOW BAIL APPLICATION

1] The application is for grant of bail as per Section 480 of BNSS, 2023. The applicant/accused Mr. Ritesh Padamchand Burad has prayed for releasing him on bail in connection with File No. V/CGST/Palghar/Prev/T-6/Flutron/1759/2025-26 registered with GST under Section 132 of Goods and Services Tax Act, 2017. Perused application and say. Heard Ld. counsel Mr. Sujit Sahoo for applicant/accused and Ld. Special PP Mr. R. K. Pathak for GST at length. I have given my thoughtful consideration to the submissions advanced by Ld. counsels for both sides.

2] According to the applicant he is permanent resident of Thane. It is averred that, present accused/applicant has already resigned from the post of Director of the company M/s. Flutron Build and Infra Pvt. Ltd. on 19.05.2022. It is averred that, at present accused/applicant is working only as a Chartered Accountant for M/s. Flutron Build and Infra Pvt. Ltd. Applicant/accused has no concern with the internal management of the company. The accused/applicant has no knowledge about the internal transactions of the company. The applicant has been falsely implicated only on the basis of statement given by co-

accused.

3] It is averred that, the allegations about availment of ITC worth Rs. 11.72 crores have no concerns with the present applicant. The applicant never involved in the day to day activity of the company as he has already resigned on 10.05.2022. It is averred that, the allegations levelled against applicant are false one. Same have been raised without following due procedure of law. It is averred that, the applicant is arrested on 11.09.2025. Since then he is in MCR. The case is based only on documentary evidence. The documentary evidence including electronic data is already in possession of the department. The officers of respondent have thoroughly conducted the search of the alleged business transactions. The officers of respondents have taken all details in respect of alleged transactions. The custodial interrogation is already completed and therefore now there is no necessity to keep the accused behind bar. Thus applicant prayed for allowing the application.

4] On the other hand the Inspector, CGST and Central Excise, Palghar Commissionerate has resisted the application for releasing the accused on bail. It is alleged that, during investigation it has been found that accused/applicant is directly concern with the day to day business and affairs of M/s. Flutron Build and Infra Pvt. Ltd. It is alleged that, during statement of co-accused it has been revealed that, present accused/applicant is directly responsible for the availment of ITC by M/s. Flutron Build

and Infra Pvt. Ltd. It is alleged that, as per evidence on record the accused/applicant has his daily commercial transactions with M/s. Flutron Build and Infra Pvt. Ltd. The accused/applicant has received the financial benefits from M/s. Flutron Build and Infra Pvt. Ltd. Respondent prayed for rejection of the application.

5] The counsel for applicant/accused in support of his application has relied upon the case of **Vineet Jain V/s Union of India, Cri. Appeal no. 2269 of 2025**. On the other hand the counsel for respondent by relying the case of i) **Nimmagadda Prasad V/s Central Bureau of Investigation in Criminal Appeal no. 728 of 2013 decided on 09.05.2013**, ii) **Basudev Mittal V/s Union of India MCRC no. 3919 of 2022**, Hon'ble Chhattisgarh High Court has prayed for rejection of the application. I have thoroughly gone through the guidelines given in cited authorities of Hon'ble Apex Court and Hon'ble High Court.

6] Considering the guidelines given in cited authorities of Hon'ble Apex Court and Hon'ble High Court, if we go through the facts and circumstances of the case at hand, it has been alleged that, the accused/applicant even though has resigned from the directorship of M/s. Flutron Build and Infra Pvt. Ltd., however, it is the applicant/accused who is directly involved in day to day affairs of the company. As per material on record it seems that, the accused/applicant has his daily financial transactions with M/s. Flutron Build and Infra Pvt. Ltd. Thus the allegations levelled against accused are serious one. However, it is the fact on record

that, since 11.09.2025 accused is in Magisterial custody.

7] While dealing with bail application court has to see whether the person if not restricted is likely to tamper the course of further investigation or is likely to tamper with evidence or intimidate or influence witnesses. The Court has to see whether the presence of accused is necessary for further investigation and to prevent the possibility of tempering with evidence or intimidating or influencing witnesses. Here in case at hand it is not in dispute that, the accused is in jail since his arrest dt. 11.09.2025. Thus there was sufficient opportunity with the respondent for interrogating with accused. The respondent has already collected the documentary evidence from the possession of accused.

8] The power to prosecute the tax payer under GST Act are ancillary and incidental to the power to levy and collect Goods and Services Tax. The offence in question is triable by this court. Subject to certain restrictions the offences under GST Acts are of compoundable nature. The accused/applicant is in jail since his arrest dt. 11.09.2025. It is for respondent to conduct investigation in detail. It will take time to complete the investigation and to file the complaint. Further physical presence of accused/applicant is not seems to be necessary for conducting investigation in the crime. Moreover, accused can be directed to co-operate in the investigation as and when required by visiting the office of respondent.

9] Considering the facts and circumstances of the case and the stage of investigation, I think no purpose would be served by keeping the applicant/accused behind bar till submission of charge-sheet/complaint. So far as apprehension regarding tampering the evidence or fleeing from justice is concerned stringent conditions can be imposed against the accused. Thus considering the circumstances on record accused is seems to be entitle for bail. Hence I pass the following order:-

ORDER

- i. Application is allowed.
- ii. Accused Mr. Ritesh Padamchand Burad be released on bail on his executing P. R. Bond of Rs. 2,00,000/- (Rs. Two Lac Only) with one or two sureties in like amount.
- iii. Accused be provisionally released on his furnishing cash bail of Rs. 2,00,000/- (Rs. Two Lac Only) in lieu of surety for 2 (two) months.
- iv. He shall not influence and tamper with the prosecution witnesses and evidence. He shall co-operate for further investigation of the case.
- v. He is directed to remain present as and when called by respondent in connection with investigation of this offence under written intimation, till further investigation is completed or till further order.
- vi. He shall surrender his passport, if any to the respondent for the period of six months from the date of his arrest before the respondent. The department to return passport to him after said period with due acknowledgment without any reference to the

court.

vii. He shall take prior permission of the court for travelling abroad.

viii. He shall furnish his residential address with proof, E-mail and telephone/mobile number to the Court and to the Department. He shall not change said addresses, telephone/mobile number without prior intimation in writing to the Court and concern Department.

ix. He shall furnish address and mobile number of two of his nearest relatives with their consent to the Court and department alongwith their address proof for contacting them if he failed to appear during further investigation before respondent and during trial of the case.

SUBHASH
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Date: 2025.10.01
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(S. K. Fokmare)

Addl. Chief Judicial Magistrate
19th Court, Esplanade, Mumbai.

Date :- 30.09.2025.