

Order Below Bail Application Exh. 9

1. Perused the application, say of Ld. APP, I.O and charge-sheet. Heard Ld. APP for the state. Ld. Advocate for the accused failed to argue the bail application. It is pertinent to note that, the present bail application is filed on 19-05-2026. As per the direction of Hon'ble Bombay High Court issued time to time, bail application is to be disposed off as early as possible. Therefore, I am deciding bail application on its own merit.

2. By this application u/sec. 480 of B.N.S.S, accused namely **Salman Salim Stampwala** seeks bail in connection with Crime No. 392/2025 registered with Kapurbavdi police station u/sec. 318(4), 336, 339, and 340 r/w. 3(5) of the B.N.S.

3. The state opposed bail application mainly on the grounds that, the alleged offences are serious in nature, nonailable and economical in nature. This accused hatched criminal conspiracy with co-accused and obtained GST number and password sans permission of the informant company and made transactions in the name of company and did not pay GST amount to the government and used it for their own benefit. During the course of investigation it transpired that the accused took GST amount in their bank accounts. The said bank accounts of the accused have been freezed. There is prima-facie involvement of the accused in alleged crime. By evading GST amount, the accused have cheated the government. In case the accused is released on bail, he would flee away. The cheating amount is huge. Lastly, requested for rejection of the bail application.

4. The accused alleged to have committed the offences punishable u/sec. 318(4), 336, 339, and 340 r/w. 3(5) of the B.N.S. No doubt alleged offences are serious in nature and non bailable. As per investigation papers this accused has prepared forged documents. FIR reveals that, this accused gained confidence of the informant and obtained GST number and password of the informant's company. On the basis of said information, the accused prepared concocted documents in the name of informant's company and did business of 25 crore. FIR further reveals that, the accused did not pay GST amount of Rs. 4,50,84,292/- to the government and thereby cheated the informant as well as the government.

5. There was common intention of the accused to commit alleged offences. During the course of investigation, investigating officer has collected numerous documentary evidence and filed along with charge-sheet which prima-facie show the involvement of the accused in alleged crime. So also during the course of investigation I.O has recorded statement of number of witnesses which pinpoint fingers to the accused persons.

6. The amount in respect of which alleged offences are committed is huge amount. The accused not only cheated the informant but also the government. On the basis of forged documents the accused evaded GST amount of Rs. 4,50,84,292/-. It is pertinent to note that, two co-accused are yet to be apprehended.

7. This accused is also seeking bail on the ground of change in circumstances. No doubt investigation is completed and charge-sheet is filed. However there is no substantial change in circumstances. In the case

of *Virupakshappa Gouda and Another V/s The State of Karnataka and Another* on 28 March 2017, Hon'ble Supreme Court held that, mere filling of charge-sheet does not in any manner lessen the allegation made by the prosecution. On the contrary filling of the charge-sheet establishes that, after due investigation, investigating agency having found materials has placed the charge-sheet for the trial of the accused person.

8. As stated above there is sufficient material in the charge-sheet to infer involvement of the accused in alleged offences. The prima-facie there is reason to believe that this accused has committed alleged offences along with other accused. No doubt alleged offences are serious and economical in nature. Huge amount is involved in alleged offences. If the accused is released on bail possibility to tamper the prosecution witness and flee away can not be ruled out.

9. Considering gravity of offences and facts and circumstances of this case, to my mind this is not fit case to enlarge the accused even on bail conditional bail. Hence, I pass following order.

ORDER

The bail application stands rejected.

Sd/-

[S. V. Nimse]

Judicial Magistrate First Class,
[2nd Court], Thane.

Date : 15/07/2026.