

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPEAL Nos.164-165 /2022**

[@ SLP [CRL.]Nos.9458-9459/2021]

**PARESH NATHALAL CHAUHAN**

**Appellant(s)**

**VERSUS**

**THE STATE OF GUJARAT & ANR.**

**Respondent(s)**

**O R D E R**

**Leave granted.**

**We have heard learned counsel for parties.**

**Learned counsel for the appellant has laid lot of emphasis on the fact that the proceedings arising from evasion of GST were preceded by a search operation where the officers concerned occupied a house for more than a week with lady members there which has been adversely commented upon by the High Court and its judgment dated 24.12.2019. He submits that in the special leave petition**

filed by the State while issuing notice on 16.7.2021, this Court has specifically observed that without condoning the conduct of the officers notice was issued because by the judgment in question the statutory protection has been waived without hearing the officers concerned.

Further submissions of learned for the appellant is that he has been in custody for 25 months out of a total period of 5 years for which he can be sentenced. The investigation is still stated to be pending though complaint has been filed. He states that the endeavor of the officers is only to teach him a lesson for having initiated proceeding which resulted in adverse orders against them.

He has also drawn our attention to the counter affidavit filed by the State where the allegation against him is that he played an important role in execution of the scam and that confidential investigation is still under way in order to identify these persons and the role played in the execution of the scam.

On the other hand, learned ASG strongly defends the order and states that the appellant should not be enlarged on bail as he is a habitual offender who has

earlier also been engaged in violation of the law as per earlier provisions. His submission is that a number of accused are absconding and only on their being in taken into custody would the root of the problem be detected where the evasion of duty is to the extent of 64 crores.

On conspectus of the aforesaid matter, we are of the view that the appellant cannot be indefinitely detained in custody more so having already undergone a period of 25 months of custody when he can be sent behind bars for maximum five years. It is almost 50% of the sentence. Complaint has been filed.

We do believe the stand of the respondent was also coloured by the proceedings taken out by the appellant/family members qua the conduct of the officers which has visited them with some adverse consequences though certain proceedings are still pending qua the same.

In view of the aforesaid facts and circumstances, we are inclined to grant bail to the appellant on terms and conditions to the satisfaction of the Trial Court. We have put to learned counsel for the appellant that the

appellant must be careful not to indulge in any such activities in the future.

The Criminal appeals accordingly stand allowed.

.....J.  
[SANJAY KISHAN KAUL]

.....J.  
[M.M. SUNDRESH]

NEW DELHI;  
FEBRUARY 01, 2022.

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (CrI.) Nos.9458-9459/2021

(Arising out of impugned final judgment and order dated 26-04-2021 in CRL.M.A. No. 3433/2021 and 05-07-2021 in CRL.M.A. No. 10878/2021 passed by the High Court of Gujarat at Ahmedabad)

PARESH NATHALAL CHAUHAN

Petitioner(s)

**VERSUS**

THE STATE OF GUJARAT & ANR.

Respondent(s)

Date : 01-02-2022 These petitions were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL**  
**HON'BLE MR. JUSTICE M.M. SUNDRESH**

For Petitioner(s) Mr. D.N. Ray, Adv.  
Mr. Chetan Pandya, Adv.  
Mr. Dillip Kumar Nayak, Adv.  
Ms. Disha Ray, Adv.  
Mrs. Sumita Ray, AOR

For Respondent(s) Mr. S.V. Raju, Ld. ASG  
Ms. Aastha Mehta, Adv.  
Ms. Sairica Raju, Adv.  
Ms. Deepanwita Priyanka, AOR

**UPON hearing the counsel the Court made the following**  
**O R D E R**

Leave granted.  
We have heard learned counsel for parties.  
Criminal appeals are allowed in terms of the signed order.  
Pending applications, if any, stands disposed of.

**(RASHMI DHYANI)**  
**COURT MASTER**

**(POONAM VAID)**  
**COURT MASTER**

**(Signed order is placed on the file)**