

**DGGI Vs. Sakil Saifi**  
**File No.DGGI/GZU/GR.D/INV/348/2022-23**  
**U/Sec. 132 (1)(b) & (c) CGST Act**

03.02.2023

An application U/Sec.437 Cr.P.C. for grant of bail on behalf of applicant/accused Sakil Saifi is filed.

Present: Sh. Harpreet Singh, Sr. Standing Counsel for the Department.

Mr. A. K. Babbar and Mr. Surender Kumar, I.d. Counsels for the applicant/accused.

IO Mr. Naveen Sharma in person with case file.

Reply to the bail application is filed by the department. Copy supplied.

Arguments on the bail application heard.

On behalf of applicant/accused, it is submitted by L.d. Counsel for the applicant/accused that applicant/accused was Prop. Of M/s National Enterprises, GSTIN No.07BWUPS44801Z3; that this firm had been cancelled. It is submitted that applicant/accused was taken into custody on 04.01.2023 from his office and was taken to DGGI Office at Gurugram and there summons were issued to him dated 04.01.2023 contents of which were contradictory with regard to timings and contents thereafter his formal arrest was shown on 04.01.2023. That applicant is in judicial custody for more than two weeks i.e. about 22 days and his custodial interrogation is not required by the officials of DGGI as they had again asked for judicial remand of applicant/accused on 18.01.2023. It is submitted that applicant/accused has been falsely implicated in this case. That custody of the applicant is no longer required by the complainant for any kind of interrogation or investigation. It is submitted that there is no incriminating evidence or

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supporting documents qua the applicant/accused. That details of alleged tax evasion have not been supplied to the applicant. That applicant has deep roots in the society and belongs to a respectable family including his wife, children and parents; that applicant/accused is the sole bread earner of his family. It is submitted that no assessment/Audit had been completed by the complainant in the case of the applicant. That applicant/accused is not involved in any criminal case in the past and has clean antecedents. Further that applicant/accused undertakes to abide by all the terms and conditions which may be imposed upon him while granting bail to him.

On the other hand bail application is opposed by the department on the ground that applicant/accused admitted to have orchestrated the fake ITC fraud involving 05 fake firms, which have issued goodsless invoices and passed on fraudulent input tax credit of GST amount to Rs.24 crores. That the incriminating evidences viz. Documents/details found in his mobile phone and admitted statement of Sakil Saifi who worked as operator of fake firms and issued goods less invoices for sole purpose of passing on of fake ITC, clearly establishes his involvement as key perpetrator/mastermind in the nexus of fraud ITC. That the accused has committed a grave offence and has defrauded the government exchequer of huge amount of taxes. That case is at a very crucial stage. It is submitted that applicant appeared before the investigating agency after absconding for more than 07 months and that too, even after he was aware that he was repeatedly asked to join the investigation. Therefore, it is prayed that considering the grounds, gravity and



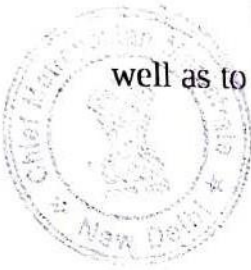
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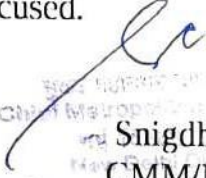
seriousness of the offences, present application may be dismissed.

Heard. Perused.

Considering the overall facts and circumstances of the case, nature, gravity and manner of commission of offence and the alleged role of the accused Sakil Saifi and that case is at the initial stage of investigation, no ground is made out for grant of bail. Accordingly, bail application of accused is dismissed.

Copy of the order be given dasti to the department as well as to Counsel for applicant/accused.



  
Chief Metropolitan Magistrate  
Snigdha Sarvaria  
CMM/NDD/PHC  
New Delhi /03.02.2023