

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.275 OF 2022**

Dr.Manish Tripathi .. Applicant
Versus
The State of Maharashtra .. Respondent

**WITH
BAIL APPLICATION NO.1121 OF 2022**

Dr.Manish Tripathi .. Applicant
Versus
The State of Maharashtra .. Respondent

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Ms.Nazneen Khatri with Mr.Sagar Samel, Mr.Adil Khatri,
Ms.Nausheen Siddiqui, Mr.Sagar Samel and Ms.Ayisha Shaikh
for the Applicant.

Ms.Anamika Malhotra, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.

RESERVED ON : 29th MARCH, 2023

PRONOUNCED ON : 05th APRIL, 2023

ORDER :-

1. The Applicant seeks his release on bail in connection with C.R.No.533 of 2021 registered with Samta Nagar Police Station and C.R.No591 of 2021 registered with Kandivali Police Station.

2. The Applicant, who is a Doctor by profession, face accusation in 12 FIRs registered with distinct police stations, where on completion of investigation, he is charged for the offences punishable under Sections 268, 270, 274, 275, 276, 419, 420, 188, 308, 465, 467, 468, 470, 471 read with Section 324 of IPC, Sections 43 and 66(C) of the Information Technology Act and Section 3 of Epidemic Disease Act.

In the C.R registered with Samta Nagar Police Station, he is alleged to have administered fake vaccines to several persons and the complainant-Medical Officer with Brihanmumbai Municipal Corporation reported that for administering vaccines in private hospitals, permission is granted by the Corporation and in accordance with the guidelines prescribed by Government of India, vaccination drives were undertaken. According to him, several hospitals and private institutions, were granted permission to administer such vaccines, but it is necessary that those, who are desirous of obtaining the vaccine, must register their names on Cowin App. The Government of India had fixed rate of Covishield and Covaxin and, necessarily, the said guidelines are imperative.

On 18/06/2021, it was informed that a vaccination camp was organised in Aditya College, Mhatrewadi, Borivali and alongwith the report, it was intimated that a complaint was lodged against the Applicant, Mahendra Singh, Rajesh Pandey and Sanjay Gupta, who are alleged to have defrauded Amey Public Charitable Trust. This lead to further inquiries and it was noted that said camp was organised by S & P Event Management Company through Sanjay Gupta, Mahendra

Singh and Rajesh Pandey, Chief Manager of Kokilaben Ambani Hospital and an amount of Rs.1,260/- per beneficiary was released by cash and UPI. It was noticed that the camp was faux pas, as 213 persons not registered on Cowin App, were presumed to have been administered the vaccine. Apart from this, the allegation faced was that there was violation of Epidemic Diseases Act.

3. In another C.R. registered with Kandivali Police Station, it is alleged that on 30/05/2021, vaccination camp was organised in Hiranandani Heritage Society and the complainant noticed that the seal of the vaccine bottle was broken and when he made inquiries about the persons who were managing the camp, name of co-accused Rajesh Pandey, surfaced on record. In the said camp, 319 persons were administered Covishield vaccine. On conclusion of the process, it is alleged that, one Mahendra Singh arrived on the spot and he was introduced by Rajesh Pandey and the entire money collected for vaccination, was handed over to Mahendra Singh and it is amounted to Rs.4,56,000/-. It was then assured that the certificates shall be issued within two days, but huge inconsistencies were noticed in the certificates that were issued and some of the persons even did not receive their certificates.

The Applicant is alleged to be guilty of accepting the amount alongwith Mahendra Singh, the main Accused.

In the said C.R., the Applicant came to be arrested on 29/06/2021.

4. Since arrest, the Applicant is incarcerated and the investigation being complete, the charge-sheet is filed in both the CRs. The accusation faced by the Applicant are no doubt serious, but it is not the case of the prosecution that the Applicant has received any amount, and even as per the prosecution, the amount was handed over to Mahendra Singh and it is informed across the bar that Mahendra Singh is already released on bail in the C.Rs. registered with Borivali and Bhoiwada police stations, by the Sessions Court.

5. Since the parameters for releasing the accused on bail, being well settled to examine the *prima facie* case against him. On perusal of the material compiled in the charge-sheet, since the Applicant has not received any money, but the role attributed to him is that he assisted in organising the camps where fake vaccines were administered, though appears to be a serious charge, pending the trial, the Applicant need not be further incarcerated. The prosecution does not allege any flight risk or possibility of tampering with the evidence, since now the entire evidence is collated and presented to the competent Court in the form of a charge-sheet.

In the wake of the above, the Applicant deserve his release on bail.

It is made clear that the observations made above are, *prima facie*, in nature and limited for the purpose of determination of the present Application and the learned Judge, trying the Applicant for the offences with which he is charged, shall not in any manner, be influenced by the above order.

: ORDER :

- (a) Applications are allowed.
- (b) Applicant-Dr.Manish Tripathi shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/-, with one or two sureties in the like amount, in each of the CRs registered with distinct Police Stations, mentioned as under :-

<u>Bail Application Number</u>	<u>C.R.No.</u>	<u>Police Station</u>
275/2022	591/21	Kandivali
1121/2022	533/21	Samta Nagar

- (c) In order to ensure the presence of the Applicant in the trial, he shall mark his attendance in Kandivali Police Station, on first Sunday of every trimester, between 10.00 a.m. to 11.00 a.m.

- (d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(SMT. BHARATI DANGRE, J.)