

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.83 OF 2022

1. Chandan Ramsar Singh
2. Nitin Vasant Monde

...Applicants

Versus

The State of Maharashtra

...Respondent

....

Mr. Rajiv Chavan, senior counsel with Advocate Suhai Shariff, Ms Priyanka Chavan and Mr. Sameer Shariff i/b. M/s. Falcon Legal for the Applicants.

Ms A.A. Takalkar, APP for Respondent -State.

Ms Deepsikha Ware, PI, Kandivali police station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 31st MARCH, 2022.

P.C.:-

1. This is an application under Section 439 of Cr.PC. filed by the aforesaid Applicants, who are facing trial in Sessions Case No.730 of 2021 pending before Additional Sessions Judge, Sessions Court, Mumbai, for offences punishable under Sections 120 B, 201, 268, 270, 274, 275, 276, 308, 419, 420, 465, 467, 468, 470, 471 r/w. 34 of the IPC and Sections 43 and 66(c) r/w 3 of the Information Technology Act and Section 42 of the Disaster Management Act, 1940.

2. Heard Mr. Chavan, learned senior counsel for the Applicants

and Ms A.A. Takalkar, learned APP for Respondent-State. Perused the records and considered the submissions advanced by learned counsel for the respective parties.

3. It is the case of the prosecution that on 27/05/2021 Hiranandani Hospital organised a vaccination camp in view of outbreak of Covid-19 pandemic. This camp was organised by Committed of their Hiranandani Society. Initiative was taken by the co-accused Ashish Mistra, a resident member. He had suggested that a team of doctors from renowned hospital were in touch with him and he would ask them to arrange a camp. Total sum of Rs.4,56,600/- being vaccination charges were paid to accused No.10, which in turn was handed over to accused No.1. The members of Hiranandani Heritage Society were informed that they would be getting vaccination certificates within two days. When they did not receive the certificates they contacted the accused No.2 and since 08/06/2021 members started getting messages of vaccination on Cowin App from various hospitals, but the Complainant and his family members did not find their certificates on the portal of Cowin App. The accused Nos.1 and 9 were unable to give satisfactory answers and hence the FIR came to be lodged.

4. In the course of the investigation it was revealed that the accused Nos.1, 2 and 10 and some others were responsible for conducting the drive. They had administered fake vaccination and issued fake and fabricated certificates. In the course of the investigation present Applicants came to be arrested. The role attributed to the Applicants is that they were involved in creating fake vaccination certificates.

5. Mr. Chavan, learned counsel for the Applicants states that accused No.6 against whom similar allegations were levelled has been granted bail by this Court vide order dated 21/12/2021. He therefore invokes principle of parity. A perusal of order date 21/12/2021 passed in Criminal Bail Application No.4083 of 2021 shows that Gudia-accused No.6 was also arrested in the same crime. She was a data entry operator and it was alleged that upon receiving illegal gratification, she had transferred the data to another data entry operator for generating fake vaccination certificates. The role attributed to the present Applicants is similar and as such the Applicants would also be entitled for bail on the ground of parity. Furthermore, it is stated that investigation is completed and the charge sheet has been filed. Presence of the Applicants is not necessary for the purpose of investigation. It is also not necessary to detain the Applicants in custody pending trial, which is not likely to

conclude in the immediate future considering the large pendency of cases. The Applicants are stated to be the permanent resident of Mumbai and as such there are no chances of them absconding and /or thwarting the course of justice.

6. In view of above, the application is allowed on the following terms and conditions:

- (i) The Applicants are ordered to be released on bail on executing PR bonds in the sum of Rs.15,000/- each with one or two solvent sureties each in the like amount.
- (ii) The Applicants to keep the investigating officer informed of their current addresses and /or mobile contact numbers, and /or change of residence or mobile details, if any from time to time.
- (iii) The Applicants shall not tamper with the evidence in any manner.

7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)