

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1479 of 2022

Maviya Abdul Haq Bhoraniya .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. Gaurav Bhawnani i/b Khan Abdul Wahab for the applicant.
Ms.P.N. Dabholkar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 24th AUGUST 2022

P.C:-

1 The applicant is charged for the offence punishable under section 420, 465, 468, 471, 270, read with 34 of IPC along with section 3 of the Epidemic Diseases Act, 1897. He is arraigned as accused no.2, and he came to be arrested on the date when the CR came to be registered i.e. 18/01/2022.

2. The complainant/the informant Dr. Sarita Ade, Assistance Medical Officer, associated with Vaccination Program of MCGM, state that, she learned that co-accused, Sahad Shaikh was issuing bogus certificates for Covid-19 vaccination by accepting a sum of Rs. 15,000/-. She informed the Crime Branch Unit-10, and a trap was laid. A dummy customer was used, and he send a copy of his Aadhar card on Whatsapp to the

co-accused Sahad Shaikh. When he received an OTP of cowin website on his mobile phone, co-accused Sahad asked him to come at a particular place, and when the raiding team reached, they apprehended co-accused Sahad.

3. The role of the applicant has surfaced from the arrested accused and on his arrest his mobile phone was seized along with his bank statement.

4. The co-accused Maazbhai Aslabhai Padarwala, who is also arraigned as an accused, who is assigned a similar role as the present applicant, and who was also named by co-accused Sahad Shaikh was released on bail. While considering his bail application, Justice N.J. Jamadar, on 11/05/2022 has observed as under:-

“7. I have carefully considered the report under section 173 of the Code of Criminal Procedure and the documents annexed with it. I gave anxious consideration to the rival submissions also. Indisputably, the applicant was not apprehended at the time the police party allegedly laid a trap. The applicant was not the person who the prosecution claimed to have apprehended during the course of the trap. Nor any incriminating material appears to have been seized from the possession of the applicant. The prosecution case thus hinges upon the alleged statement made by the co-accused that the false certificates were

prepared and transmitted by the applicant.

8. *The learned counsel for the applicant was, thus, justified in canvassing a submission that prima facie there is no credible evidence to connect the applicant with the crime. Indisputably, the allegations are of grave nature. However, the question as to whether the applicant is the author of the alleged false certificates and the applicant had used those certificates, as genuine, are the matters which warrant adjudication.*

9. *Investigation is complete for all intent and purpose. The applicant appears to have roots in the society. The possibility of tampering with evidence and threatening the witnesses, in the context of charge, appears remote. The apprehension on the part of the prosecution can be taken care of by imposing appropriate conditions.”*

4. When the co-accused came to be released on bail, I see no reason why the benefit of the observations shall not be extended to the present applicant, who has been assigned a similar role in the charge-sheet, and this fact is not disputed by the learned APP.

Hence the following order:-

: ORDER :

(a) Application is allowed.

(b) Applicant - Maviya Abdul Haq Bhoraniya shall be released on bail in connection with C.R.No.21 of 2022 registered with Goregaon Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.

(c) 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.

(d) The applicant shall make himself available as and when required by the Investigating Officer.

(SMT. BHARATI DANGRE, J.)