

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1231 OF 2022

Anurag Tripathi .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH
BAIL APPLICATION NO.101 OF 2022

Anurag Tripathi .. Applicant
Versus
The State of Maharashtra .. Respondent

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Ms.Nazneen Khatri with Mr.Sagar Samel 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, who is charge-sheeted by MIDC Police Station in C.R.No.638 of 2021 and by Samta Nagar Police Station in C.R.No.533 of 2021, seeks his release on bail.

In connection with Samta Nagar Police Station, he came to be arrested on 02/07/2021 and pursuant to the FIR, being registered with MIDC Police Station, he was shown to be arrested in the said C.R. He was accused of committing the offences punishable under Sections 188, 268, 270, 274, 275, 276, 308, 419, 420, 465, 467, 468, 470, 471 read with Section 34 of IPC, Sections 43 and 66(C) of the Information Technology Act, Section 3 of the Epidemic Diseases Act, Sections 18(A), 24, 27 and 28(A) of the Drugs and Cosmetics Act and Section 52 of Disaster Management Act. Since his arrest, he is incarcerated and seek his release on the ground that the investigation being complete, his further custody is unnecessary, as the charge-sheet does not prima facie makes out any offence against him and in any case, he will take the consequences of the accusations.

2. In C.R.No.638 of 2021, it is the case of the prosecution that the employees of Inter Gold (India) Pvt. Ltd. were administered vaccine in the camp, which was arranged on 28/04/2021, by Dr.Manish Tripathi from Shivam Hospital in company of his associates. Before actually administering vaccine, it was propagated that every person, who is to be given the vaccine, shall be registered on Cowin App and the details of the Aadhar card were obtained. After this, Covishield vaccine was administered to 237 employees and for every vaccine, a sum of Rs.1,100/- was charged. Accordingly, the company forwarded an amount of Rs.2,61,800/- in the name of K.C.E.P. Pvt. Ltd. through RTGS. However, the certificates of vaccination were not delivered to the

individuals. Subsequently on 07/05/2021 and 08/05/2021, vaccine was administered to 533 employees, out of whom, some of the employees received it as a second dose. After one month, after due persuasion, certificates were issued only to some of the employees.

3. The prosecution case is Dr.Manish Tripathi of Shivam Hospital and his associates administered 1055 doses of Covishield and Covaxin, but 992 people did not receive the certificate of vaccination. Even those 48 certificates, which were received, suffer from discrepancy as regards the date on which is vaccine is taken or about the vaccine actually administered.

It was thus alleged that, without registering the names of 1040 employees on Cowin App, the ersatz vaccines were administered causing loss of Rs.2,61,800/-.

In the said C.R., present Applicant is charge-sheeted alongwith Dr.Manish Tripathi.

4. In the C.R. registered with Samta Nagar Police Station, the prosecution alleged that Dr.Manish Tripathi belonging to Shivam Hospital, with the help of his associates, administered 580 vaccines to the employees of 'Intercontinetal Diamonds LLP' on 23/04/2021 and 24/04/2021, but did not issue any certificate of vaccination. An amount of Rs.6,80,900/- was paid to Dr.Manish Tripathi in his account of 'KCEP Health Care Firm'.

5. In both the aforesaid CRs, prime accused is Dr.Manish Tripathi, who has received the amount and the Applicant faces an accusation that he is cousin brother of Dr.Manish Tripathi and he projected himself as a representative of Shivam Hospital. He is attributed a role of collecting the Aadhar card images in form of data for the purpose of vaccination.

6. It is not the case of the prosecution that the Applicant in both the cases is benefited by any monetary consideration and as per the complaints filed in both the CRs, the amount is received by Dr.Manish Tripathi. Assuming for a moment that as per the accusation, the Applicant had assisted him in the camps, where the vaccine was administered, by projecting himself as a Doctor from Shivam Hospital, no specific role is attributed to him in the charge-sheet. Ultimately, he will face the charges levelled against him, but in the wake of the scanty material in the charge-sheet, his further incarceration is unnecessary. He, therefore, 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-Anurag 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>
1231/2022	533/21	Samta Nagar
101/2022	638/21	MIDC

(c) In order to ensure the presence of the Applicant in the trial, he shall mark his attendance in Samta Nagar 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.)