

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 904 OF 2023**

Mahendra Kuldeep Singh ... Applicant/Accused

V/s.

The State of Maharashtra ... Respondent

Mr. Mukesh Kumar Mishra i/b Mr. Vivek Jaiswal, Adv. for the Applicant/Accused.

Mr. S. V. Gavand, APP for the Respondent/State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : MARCH 31, 2023

PC. :

Not on Board. Upon being mentioned, taken on Board.

2. The Applicant seeks bail in Crime No. 534 of 2021 registered with Amboli Police Station for the offence under Section 308 and other provisions of Indian Penal Code, 1860.

3. The allegations against the Applicant are that he had organized Covid Vaccine Camps at several places in Mumbai at the instructions of Shivam Hospital and its doctors. It is the case of the prosecution that the vaccines administered to several persons, were not genuine. Hence, the crime came to be registered against the Applicant and

others for the offences under Indian Penal Code, 1860 as well as under the provisions of Epidemic Diseases Act, Disaster Management Act, Information Technology Act and Drugs and Cosmetic Act.

4. The record reveals that the Applicant is in custody since 17/06/2021. The role attributed to the Applicant is that he had organized vaccination camps. He was not involved in procuring or in administering spurious drug or vaccination. The record further reveals that money has gone in the account of the co-accused Sanjay Gupta and not in the personal account of the Applicant herein. It is also stated that the account of accused Sanjay Gupta is freezed.

5. It is also seen that the investigation is complete and charge-sheet is filed. The Applicant has already been released on bail in Crime No. 185 of 2021 registered with Navpada Police Station, Crime No. 520 of 2021 registered with Khar Police Station for similar offences. Considering all the above facts and circumstances, in my considered view, this is a fit case to exercise discretion under Section 439 of the Code of Criminal Procedure, 1973 in favour of the Applicant. Hence, the application is allowed on the following terms and conditions :-

- (i) The Applicant is ordered to be released on cash bail in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) for a period of four weeks;
- (ii) The Applicant shall within the said period of four weeks furnish PR. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (iii) The Applicant shall not contact and/or interfere with the victim/witnesses, in any manner;
- (iv) The Applicant shall keep the Trial Court informed of his current address and mobile/contact number and/or change of residence or mobile details, if any, from time to time.
- (v) The Applicant shall co-operate with the conduct of the trial and attend the Trial Court on all dates, unless exempted.

6. Bail Application stands disposed of in the above terms.

(SMT. ANUJA PRABHUDESSAI, J.)