



PMB

14.BA.1790-23.odt

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

BAIL APPLICATION NO.1790 OF 2023

MOHAMMAD KARIM AKBARALI	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Mukesh Kumar Mishra for the applicant.
Mr. P. H. Gaikwad, APP for the State.
PSI Praveen Anant Khanvilkar, Kandivali Police Station.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 26, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 308, 201, 270, 274, 275, 276, 467, 188, 420, 120(b), 465, 468, 471 read with 34 of the Indian Penal Code (hereafter 'IPC' for short), under Sections 43(A), 66(C) of the Information Technology Act, under Section 52 of the Disaster Management Act and under Section 3 of the Epidemic Diseases Act registered on 30.05.2021 vide C.R. No.591 of 2021 with Kandivali Police Station.

3. The applicant at the relevant time was 19 years of age and he came to Mumbai for education. He was a student of four years B.Sc. Nursing Programme in KCEP Group of Institution. The applicant was working as intern with Shivam Hospital and his work was only to deliver the medicines and equipments and bring the things from the hospital. The accused No.3-Dr. Manish Tripathi was the director of the said institution. The accusation against the main accused is that they had arranged Covid vaccine camps when genuine vaccine was not injected. Several cases were registered for similar type of offence against the applicant in which he has been enlarged on bail. The main accused are already enlarged on bail.

4. Learned APP opposed the application for bail contending that there are as many as ten cases registered against the applicant.

5. The applicant had acted under the instructions of the main accused. As the main accused have been enlarged on bail even the present applicant can be enlarged on bail. Further custody of the applicant in the facts and

circumstances of the present case is not required as he will face the consequences of the trial. The applicant was arrested as far back on 20.06.2021 and is in custody for two years and three months with no possibility of the trial concluding any time soon. In this view of the matter, the applicant is enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Mohammad Karim Akbarali in connection with C.R. No.591 of 2021 registered with Kandivali Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall not contact and/or interfere with the victim/witnesses, in any manner.
- (e) 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.

(f) The applicant shall co-operate with the conduct of the trial and attend the Trial Court on all dates, unless exempted.

6. The application is disposed of.

(M. S. KARNIK, J.)