

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

BAIL APPLICATION NO. 4439 OF 2021

Mohammad Vasim Aslam Shaikh	..Applicant
VS.	
The State of Maharashtra	..Respondent

Adv. Mansha Khemka a/w Adv. Bhagyashree Upadhyay-
Tiwari a/w Adv. Twinkle Khemka and Adv. Isha Saglani i/b
Khemka and Associates for the Applicant.

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

API Jayesh Chavan, Rabale MIDC Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 23, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail by the applicant-Mohammad Vasim Aslam Shaikh in connection with C.R. No.102 of 2021 dated 14/04/2021, registered with Rabale MIDC Police Station, under sections 418, 420, 465, 468, 470, 471, 500, 188, 269 read with 34 of the Indian Penal Code, 1860.
- 3.** The First Information Report was registered on

14/04/2021. It is the complainant's case that the accused persons induced the complainant to undergo RT-PCR tests but after the collection of swab samples, allegedly provided falsified reports. The applicant is arrayed as accused no. 2 and main allegations are against accused nos. 1 and 3. The present applicant had accompanied the accused no. 3 and collected swab samples as a lab technician.

4. It is not indicated that the applicant received any monetary benefit. It is the accused no. 1 who is the owner of the lab. The applicant was arrested on 15/04/2021 and is in custody for 1 year and 10 months. The investigation is complete and the charge-sheet has been filed. Even the charge has not been framed by the trial Court. The trial is likely to take a long time to conclude. There are no criminal antecedents reported against the applicant. The applicant is a young boy 22 years of age and there is nothing on record to indicate that he is a flight risk. Further custody of the applicant is not necessary. The accused no. 1 by order dated 27/07/2022 in bail application no. 3808 of 2021 has been granted bail by this Court. Even on the ground of parity, the applicant can be released on bail. Hence, the

following order.

ORDER

(a) Applicant- Mohammad Vasim Aslam Shaikh in connection with C.R. No.102 of 2021, registered with Rabale MIDC Police Station, shall be released on bail, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount;

(b) 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;

(c) The applicant shall report to the concerned police station once in two month i.e. on first Monday of every alternate month, between 11.00 a.m. and 1.00 p.m;

(d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

5. The application is disposed of.

(M. S. KARNIK, J.)