

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

BAIL APPLICATION NO. 1532 OF 2024

Rahul Udayraj Dubey ... Applicant
Versus
The State of Maharashtra & Anr. ... Respondents

Mr. B. V. Salunkhe i/by Juglesh S. Pandey for the Applicant.
Mr. Kiran C. Shinde, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 5th SEPTEMBER 2024**

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is seeking bail as he was arrested on 9th August 2021 in connection with FIR No. 0362 of 2021 dated 23rd June 2023 registered at Bhoiwada Police Station, Brihanmumbai, for offences under the Indian Penal Code, 1860 (IPC), as also the provisions of the Information and Technology Act, 2000 and the Epidemic Diseases Act, 1897.

3. The FIR was registered against three named individuals and other unknown persons on the allegation that in a camp organized for administering covid-19 vaccine, fake vaccines were administered to innocent individuals. The named accused persons were said to have organized the said camp. During the course of

investigation, a number of doctors and other individuals, including the applicant, were arraigned as accused persons. The applicant was arrested on 9th August 2021 and he has continued to remain behind bars since then.

4. The learned counsel for the applicant relied upon orders passed by this Court, granting bail to a number of co-accused persons. It was brought to the notice of this Court that the named accused persons, who were alleged to have organized the said camp, were granted bail on 22nd December 2021 itself, when Criminal Bail Application No. 3377 of 2021 was allowed. Thereafter, by an order dated 5th April 2023, this Court granted bail to a number of doctors, who were arraigned as accused persons. Reference is also made to an order dated 10th October 2023, passed in favour of another doctor. The learned APP points out that the applicant in the said application, allowed on 10th October 2023 i.e. Manish Mangalprasad Tripathi, is alleged to have transferred an amount of Rs.90,000/- into the account of the present applicant, thereby showing his involvement in the instant case.

5. The learned APP has opposed the present application and he submits that link with the applicant in respect of the alleged offences is clearly established. It is submitted that the seriousness of the offences ought to be taken into consideration.

6. This Court has considered the orders passed in favour of the

co-accused persons. It is relevant to note that in the present case, the accused persons who were named in the FIR were alleged to have organized the vaccine camp. The said main accused persons have been already enlarged on bail. The doctors who are alleged to have administered the fake vaccines are also enlarged on bail. The material that links the applicant with the incident in question, is transfer of a specific amount by one of the doctors to the applicant and alleged recovery of certain vials of vaccine from the applicant.

7. Considering the fact that large number of co-accused persons have already been enlarged on bail, as also the fact that the applicant *prima facie* cannot be said to be the main accused person and further, taking into consideration the fact that no death occurred despite the alleged fake vaccines being administered to a number of individuals, this Court is inclined to allow the present application. It is to be noted that the applicant has already suffered incarceration for a period of three years and therefore, a case is made out for the applicant to be enlarged on bail.

8. In view of the above, the application is allowed in the following terms:

- (a) The applicant shall be released on bail in connection with FIR No. 0362 of 2021 dated 23rd June 2023 registered at Boiwada Police Station, Brihanmumbai, on

furnishing P.R. Bond of Rs. 25,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

- (b) The applicant shall cooperate with the trial Court for expeditious trial and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.
- (c) The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses or any other person concerned with the case.
- (d) The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

9. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. At this stage, the learned counsel for the applicant prays for cash security till the surety is furnished.

11. The applicant is permitted to furnish cash security of Rs.25,000/- for a period of six weeks.

12. The application is disposed of.

MANISH PITALE, J.