



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO. 28 OF 2026

Dr. Ravinderpal Singh Jaspal Singh

Vs.

State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. V. Sirpurkar a/w. Shri D. S. Sirpurkar, Advocate for applicant.
Shri D. V. Chauhan, Senior Advocate & Public Prosecutor a/w. U. R. Phasate,
APP for non-applicant/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 10.02.2026

Heard.

2. The applicant, a Doctor by profession seeks anticipatory bail in connection with Crime No. 654/2025 registered with Police Station Brahmapuri, Dist. Chandrapur for the offences punishable under Sections 326, 387, 342, 294, 506, 120B of the Indian Penal Code (IPC), Sections 143(1)(a)(f), 143(2), 143(3) of the Bhartiya Nyaya Sanhita, 2023 (BNS), Sections 44 and 39 of the Maharashtra Money-lending (Regulation) Act, 2014 and Sections 18 and 19 of the Transplantation of Human Organs and Tissues Act, 1994 (for short, "the THOT Act").

3. Police machinery was put into motion on registration of the First Information Report (FIR) lodged by one Roshan Shivdas Kule alleging that the accused

persons mentioned in the FIR have illegally extracted an amount of Rs.48,53,000/- from him.

4. The summary of the complaint filed by Roshan Kule is that he was entangled in a debt trap for the period from 2021-2024 and harassed for the same by four persons named in the FIR. By charging excess rate of interest, they recovered an amount of Rs.48,53,000/-. For that purpose, he had not only transferred his agricultural land and Tractor, but also sold his left kidney at Cambodia. Those four persons along with two other persons also assaulted him by means of an iron rod.

5. On his complaint, initially the offences under Sections 387, 342, 294, 506, 120B and 326 of the IPC apart from Sections 39 and 44 of the Maharashtra Money-Lending (Regulation) Act, 2014 came to be registered. During the course of investigation, the Police arrested one Ramkrushna @ Krishna Mallesh Sunchu, who is the kingpin in removing the kidney of complainant Roshan Kule. During his interrogation, it was revealed that there is an ongoing illegal human organ trafficking racket. Not only the complainant, but there are various other persons whose organs have been removed and transplanted into the bodies of other patients illegally. There are various Hospitals and Doctors involved in this illegal human organ trafficking racket.

6. During inspection of the mobile phone of Dr. Ramkrushna Mallesh Sunchu, it was revealed that there

are various communications between the patients, donors as well as the present applicant, including financial transactions pertaining to kidney transplant surgery. The allegation against the present applicant is that he used to perform surgeries for removing and transplanting human organs illegally. Therefore, the Police started searching the applicant. Feeling apprehension of his arrest, the applicant approached this Court for grant of anticipatory bail.

7. Mr. Sirpurkar, learned counsel for the applicant submitted that the applicant is a well-known liver transplant Doctor based in Delhi. He has nothing to do with the crime and the allegations against him are that he conducted surgeries for removal of the organs and transplanted the same into the bodies of other patient for money. According to him, he has not directly dealt with any of the victims, so there is nothing on record to suggest that the applicant exploited the victims from whose bodies, the organs were removed for the purpose of recruitment, transport, harbour, transfer by using any of the modes mentioned in Section 143 of the BNS. Therefore, the Police is unnecessarily trying to connect the applicant with this crime.

8. Learned counsel for the applicant submitted that at the most, if any irregularity has been committed by the applicant while performing surgeries, that will be governed by the provisions of the THOT Act. The

applicant at the most, can be said to have not intimated or failed to obtain permission from the Competent Authority under the THOT Act before performing the surgeries for transplantation. Therefore, he will be liable only for breach of the provisions of the THOT Act. He strenuously submitted that the mechanism to deal with such acts on the part of a Doctor has been provided under the THOT Act itself. Rather, if any offence is committed under Sections 18, 19 or 20 of the THOT Act, a complaint can be entertained only if it is filed by the appropriate authority under the THOT Act or any officer authorized on behalf of the Central Government/ State Government or by a person, after giving notice of 60 days to the appropriate authority to make such complaint. However, in the present case, the appropriate authority under the THOT Act has not filed any complaint before any of the Courts and therefore, cognizance taken by the Police for breach of the provisions under the THOT Act is not permissible.

9. Lastly, Mr. Sirpurkar, learned counsel for the applicant submitted that even if it is presumed that the offence under Section 143 of the BNS i.e. so called 'human trafficking' is attracted to the alleged acts of the offenders including the applicant, but the THOT Act being a special statute, Section 4 of the Code of Criminal Procedure (CrPC) authorizing investigation into cognizable offences may not be applicable, since it specifically provides that the offence under any other law

shall be investigated, inquired into, tried, and otherwise dealt with subject to any enactment for the time being in force, regulating such offence.

10. The sum and substance of the argument of the learned counsel for the applicant is that the THOT Act is a special enactment and cognizance of the offence under the THOT Act cannot be taken on a Police report but can only be taken on the complaint filed by the Competent Authority. In absence of the complaint by the Competent Authority, registration of the offence itself is without jurisdiction and therefore, all consequential actions and acts are also vitiated.

11. In addition to the above, Mr. Sirpurkar vehemently submitted that the applicant is ready to co-operate in the investigation and nothing is required to be seized from him. Therefore, custodial interrogation of the applicant may not be required. According to him, the applicant is a renowned Doctor and there is a bleak chance of his fleeing from justice. Therefore, he prayed for protection by way of anticipatory bail.

12. Mr. D. V. Chauhan, learned Senior Advocate and Public Prosecutor appearing for the State on the hand, vehemently objected the application on the ground that an illegal human organ trafficking racket is active wherein, not only the organs of various persons are removed and transplanted by conducting illegal surgeries. According to him, there is sufficient material

available on record in the form of Whatsapp chats between arrested accused Dr. Ramkrushna Sunchu and the present applicant, which speaks in many words that there are various financial transactions between the applicant and Dr. Ramkrushna Sunchu for conducting those illegal surgeries. The present applicant was very well aware that he is performing surgeries for illegal human organ trafficking racket. Therefore, there is more than sufficient material to connect the applicant with the crime. According to him, custodial interrogation of the applicant is necessary to bust the illegal human organ trafficking racket.

13. On the legal aspect of attracting the provisions of the THOT Act *vis-a-vis* Section 143 of the BNS, Mr. Chauhan, learned Senior Advocate submitted that if one act is punishable under two different statutes, then there is no bar to the trial of an offender under two different enactments. The bar is only to punishment of the offender twice for the same offence. According to him, Section 26 of the General Clauses Act, 1897 permits prosecution of an offender under two different Acts, if the ingredients of the provisions are specific. There is no specific section in the THOT Act which gives an overriding effect to the provisions of the THOT Act over the BNS/IPC. The purpose and object of the special enactment was to regulate removal, storage and transplantation of human organs and tissues and prevention of commercial dealings in human organs and

tissues. Whereas, Section 143 of the BNS (Section 370 of the IPC) operates in a totally different field altogether and the purpose of the THOT Act is to prevent exploitation of a person by inducement for the purpose of removal of organs which is covered under Section 143 of the BNS and the consent of the victim is immaterial.

14. According to him, the ingredients of unauthorized human transplantation of organs i.e. human trafficking are not covered by the provisions of the THOT Act and therefore, irrespective of Section 22 which provides cognizance only on the complaint of the appropriate authority, the Police can investigate the offence punishable under Section 143 of the BNS. According to him, even if one ingredient of the offence under IPC is missing in the special Act, the IPC Section will not be excluded and can still be resorted.

15. To appreciate the argument of the learned counsels for the respective parties, it will be appropriate to discuss the provisions of the THOT Act, a special Act which has been enacted for regulation of removal, storage and transplantation of human organs and tissues for therapeutic purposes and for the prevention of commercial dealings in human organs and tissues and for matters connected therewith or incidental thereto. Sections 9, 13, 18, 19, 20 and 22 are relevant for consideration of the issue involved in this matter. Therefore, they are reproduced hereunder:-

“9. Restrictions on removal and transplantation of human organs or tissues or both.—

(1) Save as otherwise provided in sub-section (3), no human organ or tissue or both removed from the body of a donor before his death shall be transplanted into a recipient unless the donor is a near relative of the recipient.

(1A) Where the donor or the recipient being near relative is a foreign national, prior approval of the Authorisation Committee shall be required before removing or transplanting human organ or tissue or both:

Provided that the Authorisation Committee shall not approve such removal or transplantation if the recipient is a foreign national and the donor is an Indian national unless they are near relatives.

(1B) No human organs or tissues or both shall be removed from the body of a minor before his death for the purpose of transplantation except in the manner as may be prescribed.

(1C) No human organs or tissues or both shall be removed from the body of a mentally challenged person before his death for the purpose of transplantation.

Explanation.—For the purpose of this sub-section,—

(i) the expression “mentally challenged person” includes a person with mental illness or mental retardation, as the case may be;

(ii) the expression “mental illness” includes dementia, schizophrenia and such other mental condition that makes a person intellectually disables;

(iii) the expression “mental retardation” shall have the same meaning as assigned to it in clause (r) of section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Right and Full Participation) Act, 1995 (1 of 1996).

(2) Where any donor authorises the removal of any of his human organs or tissues or both after his death under sub-section (2) of section 3 or any person competent or empowered to give authority for the removal of any human organ or tissue or both from the body of any deceased person authorises such removal, the human organ or tissue or both may be removed and transplanted into the body of any recipient who may be in need of such 1[human organ or tissue or both.

(3) If any donor authorises the removal of any of his human organs or tissues or both] before his death under sub-section (1) of section 3 for transplantation into the body of such recipient, not being a near relative, as is specified by the donor by reason of affection or attachment towards the recipient or for any other special reasons, such human organ or tissue or both] shall not be removed and transplanted without the prior approval of the Authorisation Committee.

(3A) Notwithstanding anything contained in sub-section (3), where—

(a) any donor has agreed to make a donation of his human organ or tissue or both before his death to a recipient, who is his near relative, but such donor is not compatible biologically as a donor for the recipient; and

(b) the second donor has agreed to make a donation of his human organ or tissue or both before his death to such recipient, who is his near relative, but such donor is not compatible biologically as a donor for such recipient; then

(c) the first donor who is compatible biologically as a donor for the second recipient and the second donor is compatible biologically as a donor of a human organ or tissue or both for the first recipient and both donors and both recipients in the aforesaid group of donor and recipient have entered into a single agreement to donate and receive such human organ or tissue or both according to such biological compatibility in the group, the removal and transplantation of the human organ or tissue or both, as per the agreement referred to above, shall not be done without prior approval of the Authorisation Committee.

(4) (a) The composition of the Authorisation Committee shall be such as may be prescribed by the Central Government from time to time.

(b) The State Government and the Union territories shall constitute, by notification, one or more Authorisation Committee consisting of such members as may be nominated by the State Government and the Union territories on such terms and conditions as may be specified in the notification for the purposes of this section.

(5) On an application jointly made, in such form and in such manner as may be prescribed, by the donor and the recipient, the Authorisation Committee shall, after holding an inquiry and after satisfying itself that the applicants have complied with all the requirements of this Act and tile

rules made thereunder, grant to the applicants approval for the removal and transplantation of the human organ.

(6) If, after the inquiry and after giving an opportunity to the applicants of being heard, the Authorisation Committee is satisfied that the applicants have not complied with the requirements of this Act and the rules made thereunder, it shall, for reasons to be recorded in writing, reject the application for approval.

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13. Appropriate Authority.—(1) *The Central Government shall appoint, by notification, one or more officers as Appropriate Authorities for each of the Union territories for the purposes of this Act.*

(2) The State Government shall appoint, by notification, one or more officers as Appropriate Authorities for the purposes of this Act.

(3) The Appropriate Authority shall perform the following functions, namely:—

(i) to grant registration under sub-section (1) of section 15 or renew registration under sub-section (3) of that section;

(ii) to suspend or cancel registration under sub-section (2) of section 16;

(iii) to enforce such standards, as may be prescribed,—

(A) for hospitals engaged in the removal, storage or transplantation of any human organ:

(B) for Tissue Banks engaged in recovery, screening, testing, processing, storage and distribution of tissues;

(iv) to investigate any complaint of breach of any of the provisions of this Act or any of the rules made thereunder and take appropriate action;

(iva) to inspect Tissue Banks periodically;

(v) to inspect hospitals periodically for examination of the quality of transplantation and the follow-up medical care to persons who have undergone transplantation and persons from whom organs are removed; and

(vi) to undertake such other measures as may be prescribed.

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18. Punishment for removal of human organ without authority.—

(1) Any person who renders his services to or at any hospital and who, for purposes of transplantation, conducts, associates with, or helps in any manner in, the removal of any human organ without authority, shall be punishable with imprisonment for a term which may extend to ten years and with fine which may extend to twenty lakh rupees.

(2) Where any person convicted under sub-section (1) is a registered medical practitioner, his name shall be reported by the Appropriate Authority to the respective State Medical Council for taking necessary action including the removal of his name from the register of the Council for a period of three years for the first offence and permanently for the subsequent offence.

(3) Any person who renders his services to or at any hospital and who conducts, or associates with or helps in any manner in the removal of human tissue without authority, shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to five lakh rupees.

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19. Punishment for commercial dealings in human organs. —Whoever—

(a) makes or receives any payment for the supply of, or for an offer to supply, any human organ;

(b) seeks to find a person willing to supply for payment any human organ;

(c) offers to supply any human organ for payment; or

(d) initiates or negotiates any arrangement involving the making of any payment for the supply of, or for an offer to supply, any human organ;

(e) takes part in the management or control of a body of persons, whether a society, firm or company, whose

activities consist of or include the initiation or negotiation of any arrangement referred to in clause (d); or

(f) publishes or distributes or causes to be published or distributed any advertisement,—

(a) inviting persons to supply for payment of any human organ;

(b) offering to supply any human organ for payment; or

(c) indicating that the advertiser is willing to initiate or negotiate any arrangement referred to in clause (d);

(g) abets in the preparation or submission of false documents including giving false affidavits to establish that the donor is making the donation of the human organs, as a near relative or by reason of affection or attachment towards the recipient, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to ten years and shall be liable to fine which shall not be less than twenty lakh rupees but may extend to one crore rupees.

20. Punishment for contravention of any other provision of this Act.—Whoever contravenes any provision of this Act or any rule made, or any condition of the registration granted, thereunder for which no punishment is separately provided in this Act, shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to twenty lakh rupees.

* * * *

22. Cognizance of offences.—(1) No court shall take cognizance of an offence under this Act except on a complaint made by—

(a) the Appropriate Authority concerned, or any officer authorised in this behalf by the Central Government or the State Government or, as the case may be, the Appropriate Authority; or;

(b) a person who has given notice of not less than sixty days, in such manner as may be prescribed, to the Appropriate Authority concerned, of the alleged offence and of his intention to make a complaint to the court.

(2) No court other than that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(3) Where a complaint has been made under clause (b) of sub-section (1), the court may, on demand by such person, direct the Appropriate Authority to make available copies of the relevant records in its possession to such person."

16. Section 13 of the THOT Act deals with appointment of the 'Appropriate Authority' and Section 13B thereof provides powers of the 'Appropriate Authority' i.e. the Appropriate Authority shall, for the purpose of this Act, have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908.

17. Section 13(iv) of the THOT Act provides for the 'Appropriate Authority' to investigate any complaint of breach of any of the provisions of the Act or any of the rules made thereunder and take appropriate action. The said provisions of the said Act, if read with the provisions of Section 4(2) of the CrPC and other relevant provisions quoted above i.e. the definition of complaint, information etc., the Court finds that it is the Appropriate Authority appointed under the THOT Act who can investigate into the provisions of the Act. Breach of the provisions of the Act have been made punishable under Sections 19 and 19A thereof.

18. As per the provisions of Section 22 of the THOT Act, the cognizance of an offence can only be on a complaint made by the Appropriate Authority or any officer authorised in this behalf. This takes me to Section

4 of the CrPC (Section 4 of the the Bharatiya Nagarik Suraksha Sanhita, 2023) which is reproduced hereunder:-

“4. Trial of offences under the Indian Penal Code and other laws.—(1) All offences under the Indian Penal Code (45 of 1860) shall be investigated, inquired into, tried, and otherwise dealt with according to the provisions hereinafter contained.

(2) All offences under any other law shall be investigated, inquired into, tried, and otherwise dealt with according to the same provisions, but subject to any enactment for the time being in force regulating the manner of place of investigating, inquiring into, trying or otherwise dealing with such offences.”

19. Thus, ordinarily the offence shall be investigated, inquired into and tried as per the provisions of the Code. However, if the special enactment provides the manner or place of investigating, inquiring into, trying or otherwise dealing with such offence, then the offence will be investigated, inquired into and tried as per the special statute.

20. At this juncture, it will be appropriate to refer to the decision of the Supreme Court in the case of ***Jeewan Kumar Raut & Another VS. Central Bureau of Investigating [(2009) 7 SCC 526]*** relied upon by the learned counsel appearing for the applicant as well as the learned Public Prosecutor, wherein the Hon’ble Apex Court after considering Section 4 of the CrPC and Section 22 of the THOT in identical facts, has observed in para nos. 19 to 27 as under:-

19. *TOHO is a special Act. It deals with the subjects mentioned therein, viz. Offences relating to removal of human organs, etc. Having regard to the importance of the subject only, enactment of the said regulatory statute was imperative.*

20. *TOHO provides for appointment of an appropriate authority to deal with the matters specified in sub-section (3) of Section 13 thereof. By reason of the aforementioned provision, an appropriate authority has specifically been authorised inter alia to investigate any complaint of the breach of any of the provisions of TOHO or any of the rules made thereunder and take appropriate action. The appropriate authority, subject to exceptions provided for in TOHO, thus, is only authorised to investigate cases of breach of any of the provisions thereof, whether penal or otherwise.*

21. *Ordinarily, any person can set the criminal law in motion. Parliament and the State Legislatures, however, keeping in view the sensitivity and/or importance of the subject, have carved out specific areas where violations of any of the provisions of a special statute like TOHO can be dealt with only by the authorities specified therein. The FIR lodged before the officer in charge of Gurgaon Police Station was by way of information. It disclosed not only commission of an offence under TOHO but also under various provisions of the Penal Code. The officer in charge of the police station, however, was not authorised by the appropriate Government to deal with the matter in relation to TOHO; but, the respondent was. In that view of the matter, the investigation of the said complaint was handed over to it.*

22. *TOHO being a special statute, Section 4 of the Code, which ordinarily would be applicable for investigation into a cognizable offence or the other provisions, may not be applicable. Section 4 provides for investigation, inquiry, trial, etc. according to the provisions of the Code. Sub-section (2) of Section 4, however, specifically provides that offences under any other law shall be investigated, inquired into, tried and otherwise dealt with according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of investigating, inquiring into, tried or otherwise dealing with such offences.*

23. *TOHO being a special Act and the matter relating to dealing with offences thereunder having been regulated by reason of the provisions thereof, there cannot be any*

manner of doubt whatsoever that the same shall prevail over the provisions of the Code. The investigation in terms of Section 13(3) (iv) of TOHO, thus, must be conducted by an authorised officer. Nobody else could do it. For the aforementioned reasons, the officer in charge of Gurgaon Police Station had no other option but to hand over the investigation to the appropriate authority.

24. The respondent has been constituted under the Delhi Special Police Establishment Act, 1946. In terms of the provisions of the said Act, the authorities specified therein could make investigation in connection with a complaint. The mode and manner in which the investigation could be carried out have been laid down in the Act and/or the Manual framed thereunder. It is for the aforementioned reason, upon receipt of the complaint from the officer in charge of Gurgaon Police Station, it presumably having made a preliminary inquiry, lodged the FIR. Only because it lodged the FIR and proceeded in terms of the said Act and the Manual, the same by itself would not mean that all the provisions of Chapter XII of TOHO vis-à-vis Chapter XV thereof could not be invoked.

25. Section 22 of TOHO prohibits taking of cognizance except on a complaint made by an appropriate authority or the person who had made a complaint earlier to it as laid down therein. The respondent, although, has all the powers of an investigating agency, it expressly has been statutorily prohibited from filing a police report. It could file a complaint petition only as an appropriate authority so as to comply with the requirements contained in Section 22 of TOHO. If by reason of the provisions of TOHO, filing of a police report by necessary implication is necessarily forbidden, the question of its submitting a report in terms of sub-section (2) of Section 173 of the Code did not and could not arise. In other words, if no police report could be filed, sub-section (2) of Section 167 of the Code was not attracted.

26. It is a well-settled principle of law that if a special statute lays down procedures, the ones laid down under the general statutes shall not be followed. In a situation of this nature, the respondent could carry out investigations in exercise of its authorisation under Section 13(3)(iv) of TOHO. While doing so, it could exercise such powers which are otherwise vested in it. But, as it could not file a police report but a complaint petition only; sub-section (2) of Section 167 of the Code may not be applicable.

27. The provisions of the Code, thus, for all intent and purport, would apply only to an extent till conflict arises between the provisions of the Code and TOHO and as soon as the area of conflict reaches, TOHO shall prevail over the Code. Ordinarily, thus, although in terms of the Code, the respondent upon completion of investigation and upon obtaining remand of the accused from time to time, was required to file a police report, it was precluded from doing so by reason of the provisions contained in Section 22 of TOHO.

21. The decision in the case of ***State of Maharashtra and another Vs. Sayyed Hassan Sayyed Subhan and others [(2019) 18 SCC 145]*** has been placed in service by the learned Public Prosecutor, wherein the Supreme Court in para no. 8 has held as under:-

“8. In *Hat Singh case [(2003) 2 SCC 152]* this Court discussed the doctrine of double jeopardy and Section 26 of the General Clauses Act to observe that prosecution under two different Acts is permissible if the ingredients of the provisions are satisfied on the same facts. While considering a dispute about the prosecution of the Respondent therein for offences under the Mines and Minerals (Development and Regulation) Act 1957 and Indian Penal Code, this Court in *State (NCT of Delhi) v. Sanjay [(2014) 9 SCC 772]* held that there is no bar in prosecuting persons under the Penal Code where the offences committed by persons are penal and cognizable offences. A perusal of the provisions of the FSS Act would make it clear that there is no bar for prosecution under the IPC merely because the provisions in the FSS Act prescribe penalties. We, therefore, set aside the finding of the High Court on the first point.”

22. However, in the decision in case of ***Ramnath Vs. State of Uttar Pradesh [(2024) 3 SCC 502]***, the Supreme Court in para no. 30 has held as under:-

“30. The decision of this Court in the case of *Swami Achyutanand Tirth Vs. Union of India [(2014) 13 SCC 314]* does not deal with this contingency at all. In the case of the *State of Maharashtra Vs. Sayyed Hassan Sayyed Subhan [(2019) 18 SCC 145]*, the question of the effect of Section 97 FSSA did not arise for consideration of this Court. The

Court dealt with simultaneous prosecutions and concluded that there could be simultaneous prosecutions, but conviction and sentence can be only in one. This proposition is based on what is incorporated in Section 26 of the GC Act. We have no manner of doubt that by virtue of Section 89 FSSA, Section 59 will override the provisions of Sections 272 and 273 IPC. Therefore, there will not be any question of simultaneous prosecution under both the statutes.”

Therefore, the decision in the case of **Sayyed Hassan Sayyed Subhan** (supra) will not help the learned Public Prosecutor.

23. The Full Bench of this Court in the case of **Awadhesh Kumar Parasnath Pathak Vs. State of Maharashtra [2024 (4) Mh.L.J. (F.B.) 708]** in para nos. 36 and 37 has held as under:-

“36. Ex facie, neither section 43 nor section 72 makes punishable an offence as defined therein when it is committed by two or more persons by sharing a common intention, neither is there any other provision in the IT Act which would demonstrate the legislature having comprehended a situation where these offences are committed by sharing a common intention as defined under section 34 of the Indian Penal Code. Independently, even this aspect, in the context of Legal Metrology Act, 2009 was considered in Aman Mittal, in 22 Cri. Appln. 2562-2019-FB-Ref concluding paragraph (supra). With respect, we follow the same line of reasoning. Hence, we answer this question also in the negative.

37. The common thread deducible from various judgments of the Supreme Court covering similar issues, where an act is an offence under a special statute having an overriding effect over the offence covered by the general law like Indian Penal Code, is that in order to exclude the general law or the offence therein, ingredients of the offence defined under the special statute and the Indian Penal Code will have to be the same. If even one ingredient of an offence under the Indian Penal Code is missing in the act which has been made punishable under the special statute, the Indian Penal Code section will not be excluded and still can be resorted to albeit, the provisions of section 71 of the Indian Penal Code and section 26 of the General Clauses

Act will have to be borne in mind by the Courts while imposing the sentences.”

24. I have gone through the case-diary. The allegation against the present applicant which appears from the Whatsapp chats between the applicant and co-accused- Ramkrushna is that the applicant used to conduct surgeries for removal of organs and transplant the same without approval of the Competent Authority and used to charge a hefty amount for each surgery. The allegation against the other accused may be under different Sections of the IPC but, the alleged acts of the applicant are covered under Sections 18, 19 and 20 of the THOT Act. Therefore, the case of ***Awadhesh Kumar Parasnath Pathak*** (supra) will not help the prosecution.

25. Rather, in identical facts, the Supreme Court in the case of ***Jeewan Kumar Raut*** (supra) held that the provisions of the THOT Act will be applicable. The decision mentioned above has been followed by the Orissa High Court as well as the Rajasthan High Court in the cases of ***Mrs. N. Ratnakumari Vs. State of Odisha and others [2014 SCC Online Ori 256]*** and ***Nurul Ishlam S/o. Abdul Jabbar and another Vs. State of Rajasthan (S.B. Criminal Miscellaneous Bail Application Nos. 5775/2024, decided on 26.09.2024)*** respectively relied by the applicant.

26. Rather, recently the Principal Bench of this Court in case of ***The State of Maharashtra Vs. Suresh***

Bhai Amruth Bhai Prajapathi (Criminal Application (APPLN) No. 187/2018, decided on 12.07.2022) has relied on Section 22 of the THOT Act while confirming the order of bail granted by the Sessions Court.

27. It is brought to my notice that the Investigating Officer (IO) has sought permission for prosecuting the applicant under the provisions of Transplantation of Human Organ and Tissues Act, 1994 . Whether the appropriate authority itself will investigate the matter or the State/Central Government will authorize any officer on their behalf, is in their domain.

28. In view of the matter, it will be appropriate to grant *ad-interim* protection to the applicant by imposing certain stringent conditions till such decision is taken by the Authority/Government.

29. Needless to mention that, the other grounds for grant/rejection of the anticipatory bail have not been considered. Hence, I proceed to pass the following order:-

i) Pending the application, in the event of arrest applicant- Dr. Ravinderpal Singh Jaspal Singh be released on bail on furnishing a PR. bond of Rs.50,000/- with one solvent surety in the like amount in connection with Crime No. 654/2025 registered with Police Station Brahmapuri, Dist. Chandrapur for the offences punishable under Sections 326, 387, 342, 294, 506, 120B of the Indian Penal Code (IPC), Sections 143(1)(a)(f), 143(2),

143(3) of the Bhartiya Nyaya Sanhita, 2023, Section 39 and 44 of the Maharashtra Money-lending (Regulation) Act, 2014 and Sections 18 and 19 of the Transplantation of Human Organs and Tissues Act, 1994.

ii) The applicant shall attend the concerned Police Station from 02:00 pm to 05:00 pm on 11.02.2026 and from 10:00 am to 05:00 pm from 12.02.2026 to 16.02.2026.

iii) The applicant shall not threaten the prosecution witnesses or tamper with prosecution evidence and shall co-operate in the investigation.

iv) The applicant shall not leave India without the prior permission of the Court and shall surrender his Passport with the IO.

v) The IO present in the Court shall take note of this order.

30. List the matter on 18.02.2026.

(M. W. CHANDWANI, J.)