



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous Bail Application No. 6041/2024

Dr. Jyoti Bansal S/o Shri Babulal Bansal, Aged About 39 Years,
R/o 34/68, Kiran Path, Mansarovar, Jaipur.

-----Petitioner

Versus

State of Rajasthan, through PP

-----Respondent

For Petitioner(s) : Mr. Sumer Singh Ola with
Ms. Komal Goswami and
Mr. Bajrang Sepat

For Respondent(s) : Mr. Rajesh Chaudhary, GA-cum-AAG
Mr. Shree Ram Dhakar, Public
Prosecutor
Mr. Gaourav Gupta, AGA
Mr. Shriman Lal Meena, Addl. DCP,
Crime

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

30/08/2024

1. The present anticipatory bail application has been filed by the petitioner under Section 438 of Cr.P.C. arising out of F.I.R. No.319/2024, registered at Police Station Jawahar Circle, Jaipur for the offences under Sections 420, 419, 471 & 120-B of IPC.

2. Learned counsel for the petitioner submits that when the bail application of the accused-petitioner was disposed of by the Court of learned Special Judge (Fake Currency Cases), Jaipur Metropolitan-I on 14.05.2024, the Investigating Officer did not submit any report that the allegations levelled against him are proved. However, it was submitted that the conduct of the accused-petitioner is suspicious.

Counsel further submits that merely because the conduct of



the accused-petitioner is suspicious, he cannot be put behind the bars. Counsel further submits that the accused-petitioner is the only member of the team for kidney transplant of which Dr. Jitendra Goswami was the Head. Counsel further submits that the allegations on the basis of which the present case has been registered is that fake No Objection Certificates (for short 'NOCs') in the name of Authorised Committee have been created for kidney transplant and on the basis of such fake NOCs the kidney transplant has been conducted at Fortis Hospital. However, the accused-petitioner is in no manner involved in the preparation of these fake NOCs. Counsel further submits that the accused-petitioner is the employee of the Fortis Hospital and is getting monthly retainership of Rs.5 lacs and his wife is also a doctor and they were having sufficient sources for their livelihood. Thus, there was no occasion for the petitioner to involve in such kind of illegal and offensive activities. Counsel further submits that the Investigating Agency is acting in a pick and choose manner. Counsel further submits that nothing illegal or offensive can be done like kidney transplant on the basis of fake NOCs without the knowledge and consent of head of the Institution i.e. the Fortis Hospital but the Investigating Agency is not heading towards them as they are having a high approach. Therefore, looking to the facts & circumstances of the case, the petitioner may be released on bail.

3. Per-contra Mr. Rajesh Chaudhary, learned GA-cum-AAG appearing for the State opposed this anticipatory bail application and submits that there are evidences on record collected during



investigation which clearly speaks of the involvement of the accused-petitioner in the process of kidney transplant based on fake NOCs. He further submits that in this racket, the initiation starts from the agents who bring the foreigners for their kidney transplant and get kidney transplant with the collusion of various persons at various stages by getting fake NOCs for money. He further submits that as per the call details collected by the Investigating Agency, the accused-petitioner was continuously in touch with those agents of the racket.

4. Learned GA-cum-AAG has also placed before this Court the call details which speak of 60 calls in between the accused-petitioner and one of the agent namely Prashant Yadav, 07 calls with agent Sukhmay Nandi and 523 calls with one Lalit Chauhan who was also involved in this process of kidney transplant.

5. Learned GA-cum-AAG further submits that accused-petitioner and one Girraj Sharma were initially working in Manipal Hospital and thereafter both of them have come to the Fortis Hospital. The details of the bank account of the accused-petitioner speak of the money transaction in between both of them for which there is no satisfactory explanation. He further submits that so as to interrogate the accused-petitioner in regard to the aforesaid facts, his custodial interrogation is necessary.

6. Learned GA-cum-AAG has also placed before this Court the order dated 30.05.2024 passed by the Coordinate Bench of this Court in S.B. Criminal Misc. Petition No.2715/2024 filed by the accused-petitioner along with Dr. Jitendra Goswami under Section 482 of Cr.P.C. for quashing the present FIR No.319/2024. The



Coordinate Bench has dismissed the aforesaid petition after taking note of the material facts which came out during investigation which speaks of involvement of accused-petitioner in the alleged crime.

7. The Investigating Officer Mr. Shriman Lal Meena present before this Court has placed before this Court the status report dated 29.08.2024 which is taken on record.

8. Considered the submissions made by learned counsel for the petitioner as well as learned GA-cum-AAG appearing for the State and also perused the case diary as well as the status report.

9. On consideration of the submissions made from both the sides and on perusal of the case diary, status report and the material available on record including the details of calls in between the accused-petitioner and the agents involved in this racket of kidney transplant, the record of money transaction in between the petitioner and other accused Gopal Sharma for which no satisfactory explanation has been given and also the other materials available on record, this Court at this stage is not inclined to extend the benefit of anticipatory bail to the accused-petitioner.

10. Accordingly, this Anticipatory Bail Application filed under Section 438 of Cr.P.C. is dismissed.

(GANESH RAM MEENA),J

Satyendra/3