

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

Anticipatory Bail Application No.3124 of 2024

Manish Harikisan Patil

Age-46 years, Occupation: Govt. Servant,
Residing at- Room No.194, Murda Village,
Uttan Road, Near Hanuman Mandir,
Murdha Gaon, Bhayander West,
Thane – 401 101

... Applicant

versus

The State of Maharashtra

(Through Agripada Police Station, Mumbai) ... Respondent

Mr Subhash Jha, a/w. Mr Siddharth Jha, Mr Prasad Vartak, Mr Ganesh Patil, Mr Akash Ahire and Mr Pravin Dabhade, for the applicant.

Mr Arfan Sait, APP, for the respondent/ State.

API RT Hulawale, Agripada Police Station, is present.

Coram: R.N. Laddha, J.

Date: 1 April 2025.

P.C.:

. By this successive anticipatory bail application, the applicant, who is apprehending an arrest in CR No.381 of 2024, registered at Agripada Police Station, Mumbai, seeks pre-arrest bail for offences punishable under Sections 420, 465, 467, 468, 471, 120B read with 34 of the Indian Penal Code.

2. The primary accusation outlined in the indictment alleges that the applicant, along with the co-accused, devised a fraudulent fireman recruitment scheme in the name of the Municipal Corporation of Greater Mumbai ('MCGM') thereby deceiving innocent candidates and unlawfully benefiting from it.

3. Mr Subhash Jha, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been falsely implicated in the present crime. The FIR was filed belatedly, and the allegations are vague and lack specific details. A departmental enquiry against the applicant is already underway, and the fire department has issued a show cause notice. The applicant is not a beneficiary in the present case. He further contends that in January 2023, the applicant, along with the entire fire brigade staff, was assigned additional duties related to the recruitment process. The applicant's role was limited to document verification of the candidates, and he had no control over the recruitment process. Since the alleged forged recruitment letters are already in possession of the investigating agency, the applicant's custody is unwarranted. Moreover, the learned Counsel submits that, at the time of filing the earlier anticipatory bail application, the applicant did not have access to his bank statement. After obtaining access to and reviewing

his bank statement, the applicant has discovered that no suspicious amount was credited to his account. Since there is no material linking him to the alleged crime, he has filed this successive anticipatory bail application. In support of his contentions, the learned Counsel relied upon *Babu Singh and Ors. Vs State of UP*¹ and *Ravindra Dwarkanath Bakre Vs State of Maharashtra*².

4. Mr Arfan Sait, the learned Additional Public Prosecutor, representing the respondent/State, strongly opposes the applicant's plea and asserts that the applicant is the mastermind behind the crime. The applicant misused and exploited his position to deceitfully obtain substantial illegal gratification through the fraudulent recruitment scheme. There are multiple victims who have voiced similar grievances, necessitating the applicant's custody to identify all individuals involved in the offence. The learned APP further submits that on 24 October 2024, after hearing the matter, this Court was disinclined to grant relief, prompting the applicant to withdraw his anticipatory bail application and there is no change in the circumstances. Since the withdrawal of the earlier anticipatory bail application, the applicant has remained unavailable for

¹ (1978) 1 SCC 579.

² 2018 SCC OnLine Bom 20173.

investigation. Moreover, the anticipatory bail application of the co-accused was rejected by this Court, and the Hon'ble Supreme Court upheld the order while granting co-accused liberty to seek regular bail.

5. This Court has given anxious consideration to the rival contentions and perused the records.

6. It is a well established legal principle that filing a successive application for anticipatory bail is not prohibited. However, for such an application to succeed, the accused must demonstrate that there has been a significant change in the circumstances. A mere superficial justification for the change would not suffice to warrant the approval of a second application for pre-arrest bail. Further, the request can be denied summarily if grounds presented in the previous application are reiterated in the subsequent anticipatory bail application. A profitable reference in this regard can be made to *GR Ananda Babu Vs State of Tamil Nadu and Anr.*³, *Rani Dudeja Vs State of Haryana*⁴, *Bhisham Singh Vs State of Haryana*⁵, and *Imratlal Vishwakarma and Ors. Vs State of MP*⁶.

³ (2021) 16 SCC 725

⁴ (2017) 13 SCC 555

⁵ 2024(3) Criminal CC 490

⁶ 1997 (1) Crimes 289

7. It is also a settled position in law that granting pre-arrest bail is an extra ordinary power. While regular bail is generally considered the norm, the same principle does not apply to anticipatory bail. Considering each case's specific circumstances, the Court must exercise careful and prudent discretion when deciding whether to grant pre-arrest bail. There is no straightjacket formula. Caution is necessary, as granting protection in serious cases could potentially hinder investigation or lead to miscarriage of justice by allowing tampering with evidence. These aspects are highlighted in *Srikant Upadhyay Vs State of Bihar*⁷.

8. In the present case, the applicant, along with co-accused, is alleged to have orchestrated a fraudulent recruitment scheme for fireman within the MCGM, thereby unlawfully obtaining financial gains. The allegations suggest that the accused individuals exploited their positions to deceive job seekers by falsely promising them employment opportunities in exchange for monetary benefits. It is an undisputed fact that the applicant was the employee of the MCGM and, at the relevant time, worked in the recruitment section of the fire department. The applicant had direct access to recruitment related process and was well versed in the department's functioning.

⁷ 2024 SCC OnLine SC 282.

Furthermore, this is not an isolated incident of fraud; several victims have reportedly suffered financial losses due to the deceptive practises allegedly carried out by the applicant and his accomplices. The material on record prima facie suggest the applicant's involvement in the crime. Given the nature and scale of the fraudulent scheme, a thorough and in-depth investigation is necessary to unravel the entire conspiracy. This includes identifying the full extent of financial misappropriation tracing the flow of illicit funds, and determining whether additional individuals, either within or outside the fire department, were involved in executing the fraudulent recruitment scheme.

9. That apart, this application does not present any new substantial ground following the withdrawal of the earlier anticipatory bail application. Since withdrawing the previous application on 24 October 2024, the applicant has remained unavailable for investigation. Additionally, the anticipatory bail application of the co-accused has already been rejected by this Court, and the Hon'ble Supreme Court granted him liberty to apply for regular bail.

10. In the totality of the circumstances, this Court is not inclined to accede to the submission made on behalf of the

applicant. In cases of such nature, custodial interrogation is necessary to uncover the fraud in all its facets. Considering that the applicant is unavailable for investigation, and there are other victims in the similar situations, the applicant's release on pre-arrest bail would jeopardise the course of effective investigation.

11. In light of the above, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

(R.N. Laddha, J.)