

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

Anticipatory Bail Application No.1944 of 2025

Jagannath Mohan Kengar
Aged- 25 years, Occu-Service
R/at – Room No.3, Chandu General Store,
Sevagiri Society, Sanjay Gandhi Nagar Parksites,
Vikhroli (W), Mumbai 400079 ... Applicant

versus

The State of Maharashtra
(Through Officer-in-charge)
Azad Maidan Police Station
C.R.No.69 of 2024 ... Respondent

Mr Sachin Hande, a/w. Ms Poonam Pal, for the applicant.
Mr Prashant Jadhav, APP, for the respondent/ State.
API Rohit Kalubarme, Azad Maidan Police Station.

Coram: R.N. Laddha, J.
Date: 17 July 2025.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.69 of 2024, registered at Azad Maidan Police Station, Mumbai, for offences punishable under Sections 419 and 420 read with 34 of the Indian Penal Code.

2. It is the case of the prosecution that between 4 February

2024 and 6 February 2024, co-accused Bhange provided false assurances to individuals on the police recruitment waiting list, offering them employment in exchange for a payment of Rs.5,00,000/-. On 5 February 2024, the applicant, acting in furtherance of this fraudulent scheme, accepted Rs.50,000/- in cash from one of the candidates at Ghatkopar. Additionally, the applicant and co-accused created a fraudulent email ID to mimic official police communications, utilising it to further deceive candidates by falsely promising to secure their positions on the merit list and, ultimately, jobs, all while accepting cash payments.

3. Mr Sachin Hande, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the applicant has been falsely implicated in the crime. The applicant has not been named in the FIR but has been arraigned as an accused during the filing of the chargesheet. The applicant accepted the alleged funds on behalf of the co-accused under the pretext of the funds being admission fees for the co-accused's training course. Further, the learned Counsel submits that the applicant had earlier preferred an application for pre-arrest bail before this Court, which was rejected on 26 February 2024. Since then, the co-accused has been arrested and released on bail. There is nothing to be

recovered or discovered at the applicant's behest. The applicant is ready and willing to abide by any conditions imposed by this Court, including depositing the allegedly accepted monies, if granted bail.

4. Mr Prashant Jadhav, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail. He submits that the applicant prepared the fake email ID of the Police Commissioner's Recruitment Cell and sent emails to the candidates, assuring them of jobs upon payment of money. The applicant is a beneficiary of the funds in question. The learned APP further submits that after the rejection of the applicant's anticipatory bail application by this Court on 26 February 2024, the applicant was served with notices to appear before the concerned Police Station. However, the applicant did not remain present and, since then, has absconded. The applicant is the linchpin of the offence and a flight risk. Granting protection to him would lead to tampering with the evidence and influencing witnesses.

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

6. It is a settled position in law that the power to grant

anticipatory bail is extraordinary and must be used with caution and discretion, based on the specific facts of each case. Unlike regular bail, it cannot be treated as a general rule. Courts must avoid a one-size-fits-all approach, as granting such pre-arrest bail in serious cases may affect the investigation. These aspects are also highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay & Ors. Vs State of Bihar & Anr.*, 2024 SCC OnLine SC 282.

7. It is also well-established 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 subsequent application for pre-arrest bail. Further, the request can be denied summarily if the grounds presented in the previous application are reiterated in the subsequent anticipatory bail application. A profitable reference in this regard can be made to (i) *GR Ananda Babu Vs State of Tamil Nadu and Anr.*, (2021) 16 SCC 725; (ii) *Rani Dudeja Vs State of Haryana*, (2017) 13 SCC 555; (iii) *Bhisham Singh Vs State of Haryana*, 2024 (3) Criminal CC 490; (iv) *Imratlal Vishwakarma and Ors. Vs State of MP*, 1997 (1) Crimes 289.

8. Upon perusing the records, it appears that the applicant is accused of orchestrating a fraudulent scheme and falsely promising candidates enlisted in the police recruitment's waiting list of assured employment on payment of money. In furtherance of this scheme, the applicant and the co-accused allegedly created a fake email ID resembling the official communication and contacted potential candidates. The applicant then collected the money in cash from such candidates. There is sufficient material on record to indicate the applicant's active involvement in the commission of the crime. The present FIR was registered on 6 February 2024, and the applicant preferred an application for pre-arrest bail before the Sessions Court on 13 February 2024, which was rejected on 15 February 2024. Thereafter, the applicant approached this Court on 22 February 2024 vide Anticipatory Bail Application No.528 of 2024. By an order dated 26 February 2024, this Court rejected the applicant's request. However, the present application was filed only on 16 June 2025 and during this period the applicant was not available for investigation. It is the contention of the applicant that on 26 April 2024, a charge sheet has been filed against the co-accused, and he was released on regular bail on 2 September 2024. Subsequently, on 16 June 2025, the applicant preferred the present successive application seeking pre-arrest bail, citing his willingness to deposit the

accepted funds and that the co-accused's release on bail as a substantial change in circumstances. This sequence of events reflects not only a lack of diligence but also an apparent unwillingness on the part of the applicant to submit himself to the legal process. Such conduct demonstrates a deliberate attempt to evade the due process of law and does not warrant this Court's indulgence in granting pre-arrest protection to the applicant. In cases of this nature, the custodial interrogation becomes essential to unearth the fraud in all its facets and have the money trail.

9. Considering the nature of the allegations and the applicant's conduct, 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.)