IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.2190 of 2025

Satish Damodhar Dangat,
Age: 48 years, Occ: Service,
R/o.: Dangat Pat, Near Dangat
Bandhu Sanskrutik Bhavan,
Umbraj No.1,Tal: Junnar,
Dist. - Pune … Applicant

versus

The State of Maharashtra
(At the instance of the P.I. -
Otur Police station, Pune
Vide C.R. No.90/2019) … Respondent

Mr Amit Icham, a/w. Mr Aniket Nikam, for the applicant.
Mr Arfan Sait, APP, for the respondent/ State.

Coram: R.N. Laddha, J.
Date: 6 August 2025.

P.C.:

By this successive application, the applicant seeks pre-arrest bail in connection with CR No.90 of 2019, registered at Otur Police Station, Pune, for offences punishable under Sections 406, 408, 409, 420, 463, 464, 465, 467, 468, 470, 471, 120B and 477 read with 23 of the Indian Penal Code, and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

2. The present First Information Report (FIR) is filed by the Additional Special Auditor for the Government of Maharashtra, who was entrusted to conduct a government test audit of the Shri Mahalaxmi Gramin Bigar Sheti Sahakari Patsanstha Maryadit ('the Institution'). This audit revealed irregularities and misappropriation of Rs.30,81,55,000/- within the Institution between 1 April 2011 and 31 March 2017. It is alleged that the Institution's Chairman and Vice-Chairman, in connivance with the applicant and the co-accused, created 131 fake and fraudulent loan accounts. They then transferred the funds from these bogus loans into the borrowers' savings accounts and withdrew the money themselves. The applicant, a borrower, along with the co-accused, is accused of misusing the funds by taking unsecured loans in his name and conspiring with the Institution's Chairman and Vice-Chairman in perpetrating fraud.

3. Mr Amit Icham, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. He submits that the allegations against the applicant are vague and bereft of details. There is nothing to be recovered or discovered at the applicant's behest. The learned Counsel further submits that the investigation is complete, and a charge-sheet has been

filed. Furthermore, the co-accused have been granted bail, and the applicant is ready to abide by any conditions set forth by this Court.

4. Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail. He submits that the applicant actively participated in the crime by securing unsecured loans and assisting the co-accused in withdrawing the borrowed funds and misappropriating them. The applicant is named in the FIR, and a specific role has been attributed to him. The learned APP further submits that on 11 October 2019, after substantially hearing the matter, this Court rejected the applicant's request for pre-arrest bail, and since then, there has been no change in the circumstances to justify the applicant's renewed request. During the intervening period, the applicant has remained unavailable for investigation. Although the charge sheet has been filed against the co-accused on 20 October 2020, the investigation against the applicant is still at a nascent stage. The learned APP contends that the offence is of a serious nature, and there is a possibility that the applicant may tamper with evidence or influence witnesses if granted pre-arrest bail.

5. This Court has given anxious consideration to the rival

submissions canvassed across the Bar 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 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.*

7. It is also a settled position in law that granting pre-arrest bail is an extraordinary 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 straitjacket formula. Caution is necessary, as granting protection in serious cases could hinder investigation or lead to a miscarriage of justice by allowing tampering with evidence. These aspects are highlighted in *Srikant Upadhyay Vs State of Bihar, 2024 SCC OnLine SC 282.*

8. In the present matter, the complainant, serving in the capacity of Additional Special Auditor, Government of Maharashtra, has levelled allegations against the accused persons in relation to a complex and premeditated fraudulent scheme, allegedly perpetrated during the period commencing on 1 April 2011 and concluding on 31 March 2017, resulting in the misappropriation of an aggregate sum of Rs.30,81,55,000/-. It is alleged that the co-accused, being the Chairman and Vice-Chairman of the Institution, entered into a criminal conspiracy to create fictitious loan accounts. Pursuant thereto, funds were purportedly disbursed into the savings bank accounts of ostensible borrowers, followed by unauthorised cash withdrawals therefrom. The alleged offences are stated to have been committed with the active involvement of a wider circle of participants, including family members, certain borrowers (one of whom is the present applicant), employees, as well as statutory and internal auditors. Each of the accused persons is alleged to have undertaken specific acts in

furtherance of the conspiracy, including but not limited to misappropriation of public funds, dereliction of statutory and fiduciary duties, fabrication of false records, and preparation of incorrect financial statements, thereby evidencing intentional and wilful participation in the commission of the alleged criminal acts.

9. Upon a careful examination of the record, including the FIR, it emerges that a distinct and specific role has been attributed to the applicant in the commission of the alleged offence. The applicant is identified as one of the borrowers who not only availed himself of a substantial loan but also actively assisted the co-accused in effecting the withdrawal of the disbursed funds. The record further discloses that, in the year 2016, the applicant executed a mortgage deed in the capacity of co-borrower, jointly with the principal conspirator, the co-accused Chairman. This arrangement facilitated the sanction of a considerable loan amounting to Rs.25,00,000/-, which was procured under dubious circumstances, involving inadequate and improper collateral security. Upon disbursal, the said funds appear to have been diverted and misappropriated for purposes other than those for which they were sanctioned. *Prima facie,* there exists sufficient material on record to indicate that the applicant had knowledge of, and actively participated

in, the alleged criminal acts.

10. Notably, the present offence was registered on 11 June 2019, and the learned Sessions Court, Pune, rejected the applicant's plea for pre-arrest bail on 24 June 2019. Thereafter, following a considerable delay, the applicant approached this Court on 1 October 2019 by way of Anticipatory Bail Application No.2161 of 2019, which came to be rejected on 11 October 2019. Subsequently, a charge sheet was filed against the co-accused on 20 October 2020, and on 7 September 2021, certain co-accused were granted pre-arrest bail by this Court. The applicant, asserting that these subsequent events constitute a change in circumstances, has preferred the present application for pre-arrest bail only on 4 August 2025. However, a perusal of the present application reveals no fresh or substantial grounds that have arisen after the rejection of earlier Anticipatory Bail Application No.2161 of 2019 on 11 October 2019. During the interregnum, the applicant remained absconding and failed to render any assistance to the investigating agency, thereby obstructing the progress of the investigation. Such conduct not only evinces a lack of *bonafides* but also indicates a deliberate attempt to evade the due process of law, thus militating against the grant of discretionary relief. Although the charge-sheet has been filed against the co-accused,

the investigation, insofar as the applicant is concerned, remains pending. Grant of anticipatory bail to the applicant at this stage would adversely affect the efficacy and integrity of the ongoing investigation.

11. In the totality of the circumstances, 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.)