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

CRIMINAL APPLICATION [BA] NO. 1204 OF 2025.

Pitambar Maniram Dharkar.

-VERSUS-

State of Maharashtra

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri C.V. Bhalai, Advocate for the Applicant.
Shri V.A. Thakare, A.P.P. for the Non-applicant.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 02, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.669/2023 registered with Sadar Police Station, Nagpur for the offence punishable under Sections 381, 477-A, 471, 468, 467, 420, 418, 409, 120-B of the Indian Penal Code.

3. The Registrar, Motor Accident Claims Tribunal, Nagpur on the instructions of the Chairman of the Tribunal has lodged the aforesaid crime alleging that one Digamber

Dhere came to be transferred and posted as Nazir at Motor Accident Claims Tribunal, Nagpur on 22.05.2012. Prior to this also he was working in the said Tribunal. It is alleged that for disbursing the compensation amounts amongst the claimants, Digambar Dhere used to take signature of Member of the Claims Tribunal, and thereafter the amounts were deposited in the accounts of the claimant/s. Digambar Dhere while being entrusted with the said responsibility has misappropriated the compensation amount to the tune of Rs.8 Crores and through Personal Ledger Account (PLA) transferred the same to individuals and organizations, who were not concerned with the compensation amount. The applicant is one of the recipient of the amount transferred by Digambar Dhere. Hence, the aforesaid crime came to be registered. Investigation was carried out and the applicant came to be arrested on 09.01.2024.

4. The learned Counsel for the applicant submits that the transfer of amount between the main accused Digambar and the present applicant was out of a sale transaction of land. The main accused has transferred an amount of

Rs.2,90,00,000/- in the name of the present applicant, as well as his son. Applicant has returned/transferred the amount of Rs.1 Crore in the account of Hardik Subhecha, wherein the wife (Rajshree) of the main accused (Digambar) is the proprietor. So far as the present applicant is concerned, he has received Rs.1.20 Crores in his account, out of which he has returned an amount of Rs.1 Crore. The learned Counsel further submits that the applicant has no role to play in the fraud which is committed by the main accused Digambar, however, it was only a transaction in respect of land, which the applicant had intended to sold to Digambar and for the said transaction Digambar has paid him Rs.1.20 Crores. The applicant is suffering from heart disease and is aged 82 years, hence, considering this aspect also, he may be released on bail.

5. The learned A.P.P. vehemently opposed the application. He submits that an amount of Rs.2.90 Crores have been transferred in the name of the present applicant and his son from PLA Treasury account or either from the account of Digambar etc.. It is further submitted that there was no

transaction, as has been stated by the applicant, neither there is any agreement of sale between the applicant and the main accused Digambar. On the other hand there is direct transaction between the applicant and the main accused to the tune of Rs.1.20 Crores. He further submits that the said amount was returned/transferred in two installments on 25.05.2023 and 29.05.2023 in the account of Hardik Subhecha, which is run by the wife of the main accused Digambar. The applicant seems to be instrumental in all these transactions, and therefore, submits that considering the gravity of the offence, the applicant does not deserve to be released on bail.

6. I have considered the rival submissions of the parties. Admittedly it appears from the record that the applicant has received an amount of Rs.1.20 Crores, however, there was no sale transaction, neither there is any agreement of sale, nor any other documentary evidence to show that the applicant intends to sell his land to the main accused. It is to be noted that no person would enter into a transaction of such huge amount, until and unless there was some written

document. In absence of any such document, it could be gathered that the applicant is one of the person through whom the transfer has taken place. It could be further gathered that the amount was transferred from PLA Treasury account into the account of the present applicant. It can be seen from the record that Rs.1 Crore was transferred by the applicant in two installments as stated above, however there is no account in respect of Rs. 20 lakhs. The learned Counsel on this aspect submits that so far as Rs.20 lakhs is concerned, he has no instructions, therefore, one thing is clear that from PLA treasury and from other account an amount of Rs.1.20 Crores was transferred in the name of the applicant, however, out of that amount an amount of Rs.50 lakhs was transferred on 25.05.2023 and Rs.50 lakhs was transferred on 29.05.2023 in the account of Hardik Subhecha run by wife of Digambar. Therefore, all these facts points out that the applicant is also involved in the entire episode, and therefore, his role cannot be bifurcated. So far as the illness of the applicant in respect of heart disease is concerned, I do not find any document to that effect.

7. It is further to be noted that the main accused has taken undue advantage as he was entrusted with maintenance of registers, the disbursement of the amount of compensation, etc. However, some amounts were diverted either to the bank account of present applicant and his son. This transfer has caused loss to the concerned claimants who are waiting for their rightful compensation amount. The fact remains that the present applicant is also the beneficiary of the said amount. Considering all these facts, I am not inclined to consider the prayer of the applicant to grant bail. Criminal Application is therefore, rejected. Pending Miscellaneous Applications, if any, also stands disposed of

JUDGE