IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.1225/2025
(Sachin S/o Nathuji Gandhare Vs. The State of Maharashtra)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. Prakash Naidu, Advocate for applicant.
Mr. V. A. Thakare, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 22/01/2026.

Heard.

2. By the present application, the applicant is seeking bail in connection with Crime No. 08/2024 for the offence punishable under Sections 420, 409, 418, 467, 468, 471, 477-A, 381, 201, 120-B, 411, 413 of the Indian Penal Code registered with Police Station Sadar, Nagpur, Dist. Nagpur.

3. FIR came to be registered on 06.01.2024 against Digambar Dere, Nazar, Motor Accident Claim Tribunal, Nagpur for having illegally transferring the money from the Court treasury with regards to the compensation amount of Motor Accident Claim, victims. His family members so also his relatives came to be arrested. Applicant who is a Chartered Accountant by profession came to be arrested on 05.03.2025 in the said crime since Digambar Dere

allegedly had solicited professional service for opening various companies through the applicant and from and out of the siphoned amount Rs.5,00,000/- were transferred to the present applicant.

4. The learned counsel appearing for the applicant submits that the Arrest Memo of the applicant was prepared on 05.03.2025 at 21:23 Hours and it was stated in the Arrest Memo that intimation of arrest was given to Amit Gandhare, brother of the applicant. The Station Diary entry with regards to the arrest of the applicant was noted at 21:23 Hours and it was stated therein that the brother of the applicant was intimated on his mobile number. However, the brother of the applicant had never received any call from the Police Station prior to the arrest or after the arrest of the applicant. Likewise, the grounds of arrest were also not intimated either orally or in writing to the relatives of the applicant herein, thereby violating the mandatory provisions and the Constitution of India and rendering the arrest to be void ab initio and illegal. Subsequently, the applicant filed an application for grant of bail in view of the fact that prosecution has not followed the mandates as enshrined under the Act and the

Constitution of India.

5. So far as the first ground about his arrest in accordance with Section 48 of the BNSS is concerned, he submits that his arrest has not been intimated to his relative. He invited my attention to the arrest Panchanama, wherein it was shown that the arrest of the applicant was intimated to Amit Gandhare who is brother of the present applicant. On this, the learned APP submits that Amit was informed by one Ajay from his Mobile as could be gathered from the Call Details Report ("CDR"). Ajay Joshi is friend of the present applicant, on the request of the applicant, it was informed to his friend initially and thereafter his friend has intimated to Amit (brother of the present applicant) about the arrest of the present applicant and accordingly, the learned APP submits that the intimation was given to Amit. He has placed on record CDR of Ajay Joshi, wherein it appears that Police has given intimation to Ajay Joshi and in furtherance of that, thereafter, Ajay Joshi has given intimation to his brother. There are others calls between Amit and Ajay in between 19:56 hours to 20:38 hours. Therefore, I am of the opinion that there is no force in the contention that the brother of

the present applicant is not intimated about the arrest of the present applicant and the Station Diary entry also shows that the arrest of the applicant was noted at 21:23 Hours and it was stated therein that the brother of the applicant was intimated on his mobile number.

6. The learned counsel appearing for the applicant further raises another ground that the grounds of arrest has not been intimated to his brother Amit. To substantiate this, it appears that Amit has filed affidavit before the Court below contending that he was never informed about the arrest of his brother, nor did he ever receive any phone call on mobile number from Sadar Police Station. The very affidavit filed by Amit is nothing but suppression of fact. It is always said that a person who is coming before the court should come with clean hands. The suppression of fact by the present applicant itself would be sufficient to reject the bail application of the applicant for the reason that admittedly, it appears from the record that the applicant was arrested at about 7:00 PM,(19:00 hours). Thereafter, there was a call at about 19:56 hours from the mobile of the present applicant. The said call was made to Ajay Joshi who is the friend of the

present applicant, on the request of the present applicant as he had requested not to inform about his arrest to his mother. Thereafter, it appears that Ajay has made phone calls to Amit continuously which could be gathered from the CDR which are placed by the prosecution in this case. Further, my attention was invited by the learned APP to show that not only the applicant was furnished with copies of grounds of arrest and reasons for arrest in writing to show that he was duly informed the grounds of arrest but also from the copy of Arrest Memo and written intimation by way of grounds of arrest the same bears signature of the applicant so also the Arrest Memo bears the signature of Ajay Joshi. Therefore, it cannot be said that there was no information either of the ground of arrest or intimation about the arrest to the friend or his relative. Therefore, even grounds of arrest were intimated.

7. In fact, the applicant should have come with clean hands before this court, disclosing that the police has permitted him to call Ajay on his insistence who was his friend and thereafter Ajay was in constant touch with his brother Amit. However, this fact has been conveniently suppressed by the applicant and Amit which is contrary to

the facts appearing on record. All these factor have compelled me to observe that applicant has not come with clean hands and suppressed material facts in order to obtain the order of bail from this Court and the Court below, which ought not to have been done by the applicant. Therefore, I am of the considered opinion, there is sufficient compliance of Section 47 and 48 of the BNSS vis-a-vis Section 50 and 50(A) Code of Criminal Procedure.

8. Now coming to the merits of the case, the learned counsel appearing for the applicant submits that no role was played by the present applicant. On the contrary, the applicant is the chartered accountant and he is doing the audit of the family members of the main accused person Digambar and Rajeshri. He has done nothing wrong and has in no way played any role in the commission of crime. The present applicant was wrongly implicated in the crime and therefore prayed to allow the bail application.

9. On the other hand, by filing affidavit in reply, the learned APP submits that during the course of investigation, it was revealed that the applicant has

received an amount of Rs. 5,00,000/- from the Personal Ledger Account ("PLA")/ Treasury account on 10.05.2019 directly in the personal account of the present applicant. The applicant is also involved in handling various accounts of propriety concerned of the main accused Digambar and Rajeshri. The present applicant has received an amount of Rs. 5,69,000 from the Apex Trading Company, which is run by one Achyut Wakade, who is the relative of present applicant. He further submits that in both of the accounts of Apex Trading Company and MS Hardik Shubhechha Cotton Private Limited Company which is run by Rajeshri Dhere wife of the main accused Digambar Dhere, several crores of amount of rupees were received either from Digambar Dhere or from PLA Treasury account. A total amount of Rs. 10,69,000/- was received by the applicant in connection with crime. He further submits that as per the direction of the Additional Session Judge, one escrow account is created in order to deposit the fraudulent amount received by the accused persons. So far as the present applicant is concerned, he submits that he has transferred an amount of Rs.1,20,00,000/- by cheque in that account. Further, three other crimes are registered, wherein more than Rs.4,40,00,000/- is involved. Therefore, there is strong prima facie case against the applicant and sufficient material was collected by the prosecution against the present applicant, and prayed to reject the application.

10. After hearing the learned counsel as well as the learned APP on merits, it appears that one important transaction is the transfer of rupees 5,00,000/- from the PLA/Treasury in the personal account of the present applicant. This transfer itself demonstrates strong link between the applicant and the main accused Digambar. It could be further gathered that the present applicant is having overall control over the financial transactions of Digambar. It appears that Digambar has directly transferred several crores of rupees either in the name of the present applicant or fake companies or in the direct account of the person from whom huge properties have been purchased from the misappropriated amount. The present applicant is having a direct link with Digambar who was the custodian of the compensation amount which could be gathered from the papers of investigation. Till today, 11 FIR are registered against Digambar, his wife and

other relatives. So far as the present applicant is concerned, four FIRs including the present FIR is registered against him. At present, the present applicant is involved in the amount of Rs. 4,50,82,000/-. Therefore, considering the nature of gravity of the offence and the role played by the applicant in misappropriating the amount belonging to the claimant in motor accident cases and the modus operandi of the present applicant, I am not inclined to grant bail.

11. Considering the above facts and circumstances of the case, the application is rejected.

12. The above observations are only restricted to the present application, therefore, the Trial Court shall not be influenced by the these prima facie observations.

(M. M. NERLIKAR, J.)

Gohane