

MHAU040002212026



Criminal Bail Application No. 25/2026
Bhagyat Ramdas Khairnar Vs. The State

Order below Exh.1
(Dated : 17.03.2026)

1. The applicant has moved this application for enlarging him on *pre-arrest* bail under section 482 of B.N.S.S., in connection with Crime No. 164/2026 registered at *Vaijapur* Police Station under section 7 of the Prevention of Corruption Act, 1988.
2. I have read the grounds mentioned in the application. The Investigating Officer and the Ld. APP opposed the application vide common say.
3. **Concise story of the prosecution case is as under :-**
Informant Dy.S.P. Balasaheb Sadashiv Shinde lodged the report. It is alleged that, on 07.03.2026 complainant Vilas Sakharam Gore came to him and made written complaint. In it, it is alleged that he has doing the business of Samarth Tours and Travels and he supplied his vehicles on rent basis. He provide his Bolero vehicle with Sub-Divisional Irrigation Officer, Vaijapur on rent basis. Accordingly, an agreement was executed in between them for the period 01.10.2025 to 30.09.2026. The bills from the month of October-25 to February-26 was pending with this

office therefore he send bill for sanction. On 07.03.2026 at about 09.45 a.m. informant received phone call from applicant/accused i.e. Sub-Divisional Irrigation Officer and he called him for signature. The informant was not ready to give bribe hence he informed the ACB office. Accordingly Accused demanded Rs.10,000/- bribe however the amount was settled for Rs.7,000/-. Accordingly, accused asked informant to transfer the amount through phone-pay on mobile number of one Khairnar. Accordingly the informant sent the amount through he phone-pay to the said person and got confirmation from the informant. Thereafter the raid was effected. Hence the FIR.

4. Heard the learned advocate Mr.P.A.Ponde for applicant. He submitted that applicant has no nexus with the offence in question. His name is not mentioned in FIR. He has apprehension of arrest since his mobile number mentioned in the FIR. He has no knowledge about the purpose of transaction. When he came to know about depositing amount of Rs.7000/- in his account he went to bank and informed the bank that he had no connection with this amount and requested bank to transfer said amount from his account and return to the person to whom it belongs. Prime accused is enlarged on bail. Applicant is permanently resident of Vaijapur and no chance of absconding. The maximum punishment prescribed is seven years. Hence, he prayed to allow the application.

5. Per contra, the learned APP Mr.Jagtap submits that the offence is serious. Bribe amount yet to be seized. Applicant and prime accused were in contact. Hence they had nexus with the offence. He submits that the investigation is in progress. Post released on bail possibility of

tampering with evidence can not be ruled out. Hence, he prayed to reject the application.

6. I have read the FIR and remand papers. The allegations against applicant that prime accused demanded the bribe amount of Rs.10,000/- and said bribe asked to be paid on account of present applicant via phone-pe. Therefore the bribe amount was send by informant through phone-pe to the account of applicant. The applicant has submitted that he has already submitted his application to transfer the said amount in the account of account holder. Considering the apprehension of the applicant that his mobile number is mentioned in the FIR it appears that allegedly the amount was asked by prime accused to tranfer in the account of applicant. It appears that the account statement and the bank account is already mentioned in the transaction and can be collected from the bank by the investigating officer. Admittedly the prime accused is released on bail.

7. The role attributed to the applicant is only to the extent that he has accepted the amount on behalf of prime accused. Admittedly, the investigation officer yet not make clear from record that whether he is going to arrest the applicant or not. Iot is only submitted that the amount yet to be seized however his name is not arrayed in the FIR. Even the investigation officer has not submitted that he is proposed accused in the present crime. Hence, considering the apprehension raised by applicant, his mobile number is mentioned in FIR is satisfactory to apprehend his arrest.

8. Considering the overtact of applicant, maximum punishment

prescribed is of seven years imprisonment. Thus, considering the role of applicant, allegations against him, and punishment prescribed for the offence, custodial interrogation of accused is not warranted.

9. The offence under section 7 of the Prevention of Corruption Act is punishable by imprisonment up to 7 years. Undisputedly, the applicant is permanent resident of Vaijapur. Thus, he is not likely to abscond.

10. All the offences are triable by the Special Court. The say of I.O. depicts that, the objection is raised only on the ground that, there is recovery and there are chances of tampering & hampering of witnesses. Considering the nature of offence, the maximum punishment prescribed for the offence leveled against the accused is 7 years and overtact of accused. No justified ground are made for detention of the accused. The apprehension raised by the prosecution can be taken care by imposing stringent condition. Accordingly, I proceed to pass following order :-

ORDER

1. Criminal Bail Application No. 25/2026 is allowed.
2. In the event of arrest, applicant, in connection with crime No.164/2026 registered at **Vaijapur** Police Station under section 7 of the Prevention of Corruption Act, be released on bail on executing PR bond of Rs.50,000/- with one solvent surety of like amount.
3. Applicant is hereby directed to attend the Vaijapur Police Station on every Monday and Thursday of each month in between 10.00 a.m. to 02.00 p.m. for six weeks and to co-operate the investigating officer.

4. The applicant is further directed to submit a list of at least three blood relatives with their detail residential addresses and also the addresses of their place of work with documentary proof of showing the correctness of the details produced by them.
5. The applicant is also directed that they and their sureties should submit copies of at least two documents amongst their respective Passport, Pan Card, Bank Passbook, Credit Card with photograph, Ration Card, Adhar Card, Electricity Bill, Landline telephone bill, Voter I.D. Card issued by the Election Commission of India and Property Tax Register while furnishing the bail.
6. The applicant shall not tamper with the prosecution evidence in any manner and shall not indulge in any type of criminal activity. If it is noticed that he involved in such type of offence the prosecution will be at liberty to move for cancellation for bail.
- 7 The applicant shall not change the place of residence without prior intimation to the concerned police station.
- 8 Any observation made in this order is made only for limited purpose of deciding this bail application and it shall not come in the way of trial during the trial.

Date : 17.03.2026

(Smt. S. K. Upadhyay)
Special Judge (P.C.Act)
Vaijapur.