

MHSO050007572026



Order below Exh.1

in Criminal Bail Application No.381/2026

Alif Shamshuddin Sutar

V/s.

The State of Maharashtra

A) Case Details :	
FIR Number and Date	385/2026
Police Station	Pandharpur City
District	Solapur
State	Maharashtra
Sections Invoked	Sec7, 7(A) of Prevention of Corruption Act, 1988
Maximum punishment prescribed	A minimum term of 3 years, which may extend up to 7 years.

B) Custody and Procedural Compliance :	
Date of Arrest	01.06.2026
Total period of custody undergone	10 days

C) Status of Trial :	
State of proceedings (Investigation/ Charge-sheet/ Cognizance/ Framing of Charges /Trial)	Cri. Bail Application
Total number of witnesses cited in the charge-sheet	

D) Criminal Antecedents :	
FIR No. and Police Station	--
Sections	--
Status (Pending/Acquitted Convicted)	--

E) Previous Bail Applications :	
Court	--
Case No.	--
Outcome of case	--

F) Coercive Processes :	
Whether any Non-Bailable Warrant was issued	--
Whether declared a proclaimed offender	--

1 The Regular bail application filed U/Sec.483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by applicant Alif Shamshuddin Sutar arrested on 01.06.2026 in Crime No.385/2026 registered against him with City police Station, Pandharpur for the offence punishable under Sec.7, 7A of Prevention of Corruption Act, 1988.

2 Case of prosecution that complainant Rohit Rambhau Kavade a practicing Advocate made complaint to the Anti Corruption Bureau at Solapur which was registered after following due procedure required under the Special Act before the complaint is lodged for demand of bribe by the public servant. The case of complainant is that accused No.1 Maruti Dnyanoba Waghmare appointed as a clerk on contract basis and accused No.2 Alif Shamshuddin Sutar,

Assistant Clerk appointe thus, they are public servant posted at Tahsil Office, Pandharpur assigned with discharge the public duty to assist the Tahsildar to issue Certificates of registration of Birth and Death of which entry could not be effected for more than one year even after such Birth or Death has occurred. In such cases, applicant required to file an application before Tahsildar for its adjudication in accordance with law and procedure. As per the case of complainant some of such litigation were pending for final order before Tahsildar at Tahsil office, Pandharpur however, the present applicant / accused No.2 along with accused No.1 of the crime demanded bribe as per their habit of Rs.500/- for each case.

3 The Police Inspector Ravindra Labhante, Anti Corruption Bureau on completion of verification of demand of bribe and raid conducted accordingly wherein accused No.1 and present applicant / accused No.2 Alif Shamshuddin Sutar, Assistant Clerk, at Tahsil Office, Pandharpur were caught raid handed while they made demand of bribe amount. This gave rise to registration of Crime No.385/2026 with City Police Station, Pandharpur on report lodged by the Police Inspector, Anti Corruption Bureau.

4 The present applicant accused No.2 of the crime was arrested on 01.06.2026 and during the period granted of police custody remand till 04.06.2026 he preferred this bail application with support of the observations of Hon'ble Bombay High Court in case of ***Krushna Guruswami Naidu Vs. The State of Maharashtra, 2011 CRI.L.J. 2065 :: (2011) 3 ALL Cri LR 369 (BOM)***, wherein it is ordered that, "*Criminal P. C. (2 of 1974), S. 439 Bail. Application for. Is maintainable before Sessions Court even if filed during of police remand granted by Magistrate. Sessions Court cannot reject application for bail on that ground. Bail application should be entertained and considered on merits even if there is order of police remand*".

5 The contention of the applicant in application is that accused is not involved in the crime. He is falsely implicated in the crime. No recovery and discovery is effected at the instance of accused. He is behind bar since 01.06.2026. There is no possibility of absconding, hampering and tampering of prosecution witnesses and that accused is ready to co-operate the investigating agency. On these grounds applicant prayed relief of release on bail.

6 Investigating officer and Learned APP filed say, strongly opposed the bail application on the ground that accused is involved in the serious nature of crime. He should not be released on bail as he may destroy the evidence in the form of documents which is easily accessible to him being public servant.

7 The complainant of this crime through Learned APP had filed affidavit and with permission of the Court brought to the notice that in each and every case filed before the Quasi Judicial Authority of The Tahsildar, Pandharpur for issuance of certificate of Birth and Death occurred prior to one year and of which registration is not effected is became illegal source of income by way of corruption to the concern clerks and others with involvement of private persons also.

8 The Learned Advocate / complainant of the crime has pointed out that a syndicate is active to earn illegal bribe amount from the litigants in cases to be contested before the Forum of The Tahsildar. Thus, it adversely hampers not only legal rights of the litigants but also became unavoidable trap of exploitation. Therefore, in submissions of prosecution bail should not be granted to the accused as he may possibly create hurdles in further investigation of the crime which is necessary to go into the depth of the matter.

9 Read application, say filed, heard both sides. The Learned Advocate for the applicant has highlighted on the innocence of the applicant / accused on the basis of conversation in regard with demand of bribe recorded

before the complaint is taken on record of the Anti Corruption Bureau subsequently of which the report lodged came to be lodged. As per the case of prosecution the conversation of demand of bribe was recorded in the voice recorder. In submissions of Learned Advocate for the applicant that bribe amount of Rs.500/- was offered by the complainant himself and it was not demand of accused. Therefore, against the applicant prima facie there exists merits in the application.

10 In this backdrop, it is to be remember that whatever the case of the prosecution based on the facts, is subject to proof by way of evidence. At this juncture the merits of facts required to be proved cannot be altogether separated, in either way, in favour or against the merits of the bail application. It is excepted that entire case to be considered along with the facts and circumstances made out on record either in favour or against right to bail of the applicant in reference to the crime registered and nature and gravity of the crime along with alleged role assigned to the accused in a crime registered against him.

11 The act of issuance of registration Certificate of Birth or Death is of Judicial nature. The authority of The Tahsildar in this regard became the Judicial Authority, certainly concerned with administration of justice to the limited extent but it has to be look into from the point of view of the public at large, litigants whose faith in the justice delivery system is the ultimate goal of the administration of the justice. Such incident as alleged by the complainant in the complaint registered with Anti Corruption Bureau giving rise to lodge report resulted into registration of the crime is certainly grave and serious not only from the point of view of litigants or the complainant but also from the point of view of administration of justice.

12 The concern of investigating officer pointed out in the say filed on record for thorough and fair investigation of the crime, without there been hurdle of hampering and tampering of evidence and witnesses, needs consideration to

balance the right to liberty of the accused. If this balance is to be weighed the natural justice demands that weightage should be given to the interest of public at large. Therefore, I am of the view that till filing of the charge-sheet applicant / accused No.2 is not entitled to be released on bail. Hence, the order.

ORDER

1 The Criminal Bail application No.381/2026 stands rejected.

Date - 10.06.2026

(Smt.T. G. Mitkari)
Special Judge (ACB), Pandharpur

CERTIFICATE

I affirm that, the contents of this P.D.F., file judgment/order are same, word to word, as per the original judgment.

Name of Stenographer : S. A. B. Shaikh

Stenographer (Grade-1)

Court : District Court-1 & Additional Sessions
Court, Pandharpur

Date : 10.06.2026

Order signed by the Presiding : 10.06.2026
Officer on

Order uploaded on : 10.06.2026