IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1855 OF 2026

Kolhapur City Criminal Court Practitioners Bar Asso. Thr. President Advocate Ranjit J. Kawale ...Petitioner

Versus

The State Of Maharashtra Thr. Add. Director General Of Police And Inspector General Or Prisons And Others ...Respondents

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Mr. Shrikrishna Ganbavle a/w Mr. Viraj Nalawade, Ms. Tanvi Lad, Ms. Sharvari Tipugade, Mr. Girish Mujumdar, for the Petitioner.
Mr. K.S.Thorat, "B" Panel counsel, for the Respondent-State.
Mr. Shridhar Kumbhar, Liaison Officer Prison.

Coram : SHARMILA U. DESHMUKH & NEERAJ P. DHOTE, JJ.

Date : OCTOBER 06, 2026

P. C. :

1. At the outset, learned counsel for the Petitioner seeks leave to amend the prayer clause to seek a specific relief for empowering Superintendent of jail to administer oath and affirmation for the purpose of filing affidavit for seeking bail. Leave is granted. Amendment to be carried out forthwith. Re-verification is dispensed with.

2. The present Petition is concerned with the compliance of the directions issued by the Hon'ble Apex Court in paragraph 48 of the judgment in case of ***Zeba Khan vs State of U.P And Others***[1] which

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directs that every Petitioner/Applicant seeking bail is under an obligation to disclose all material particulars duly supported by affidavit. The difficulty arises where the Applicant is in custody and affidavit is required to be filed by the Applicant seeking bail. It was sought to be contended across the bar that the Superintendent of Jail can administer the oath for the purpose of filing affidavit disclosing all material facts.

3. Section 3 of The Oaths Act, 1969 (for short "**Oaths Act**") reads as under :

> ***3. Power to administer oaths***
> *(1)The following Courts and persons shall have power to administer, by themselves or, subject to the provisions of sub-section (2) of section 6, by an officer empowered by them in this behalf, oaths and affirmations in discharge of the duties imposed or in exercise of the powers conferred upon them by law, namely:*
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> *(a) all Courts and persons having by law or consent of parties authority to receive evidence;*
>
> *(b) the commanding officer of any military, naval, or air force station or ship occupied by the Armed Forces of the Union, provided that the oath or affirmation is administered within the limits of the station.*
>
> *(2) Without prejudice to the powers conferred by sub-section (1) or by or under any other law for the time being in force, any Court, Judge, Magistrate or person may administer oaths and affirmations for the purpose of affidavits, if empowered in this behalf*
>
> *(a) by the High Court, in respect of affidavits for the purpose of judicial proceedings; or*
>
> *(b) by the State Government, in respect of other affidavits.*

4. A plain reading of Section 3(2)(a) would disclose that the High Court can empower a person to administer oath and affirmation in respect of the affidavits for the purpose of judicial proceedings.

5. Statutory provisions would therefore enable the High Court to empower the Superintendent of jail to administer oath and affirmation only in respect of affidavit to be filed by the Applicant seeking bail for the purpose of disclosing all material particulars, including criminal antecedents and the existence of any coercive processes, such as issuance of non-bailable warrants, declaration as a proclaimed offender of similar proceedings as mandated by paragraph 48 of the decision of the Hon'ble Apex Court in the case of ***Zeba Khan vs State of U.P And Others*** (supra), decided on 11th February, 2026. By an interim order dated 24th April, 2026, this Court, by way of an interim arrangement, had directed the Inspector General, Prisons to ensure that such affidavit shall be processed by the concerned jailer/Superintendent of jail within 48 hours pursuant to which the circular was issued on 24th April, 2026.

6. The requirement is to empower the Superintendent of jail within the jurisdiction of Kolhapur Circuit Bench to administer oath and affirmation for the purpose of the affidavit as directed by the decision of the Hon'ble Apex Court in the case of ***Zeba Khan vs State of U.P And Others*** (supra). As the statutory provisions of the Oaths Act permits the High Court to empower a person to administer oath and affirmation, we are inclined to allow the Petition by empowering the Superintendent of jail within the jurisdiction of Kolhapur Circuit Bench to administer oath and affirmation only in respect of affidavits to be filed in judicial

proceedings for the purpose of seeking bail, as directed by the Hon'ble Apex Court in the case of ***Zeba Khan vs State of U.P And Others*** (supra).

7. In the event, such an affidavit is presented for affirmation to the concerned Superintendent of jail, the same to be duly processed within a period of 24 hours, for filing in judicial proceedings.

8. It is clarified that the Superintendent of jail is empowered to administer oath only for the specific purpose as indicated in the order and for no other purpose.

9. The Petition is therefore allowed in terms of amended prayer clause (f).

10. Applications, if any, do not survive for consideration and stand disposed of.

[NEERAJ P. DHOTE, J.] **[SHARMILA U. DESHMUKH, J.]**