

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.590 OF 2026

Saddam Irfan Ansari

... Petitioner

Vs.

The State of Maharashtra And Anr.

... Respondents

Ms. Nishi Singhvi i/b Mr. Kuldeep Nikam, for the Petitioner.

Mr. J. P. Yagnik, APP for Respondent-State.

**CORAM : SARANG V. KOTWAL AND
RANJITSINHA RAJA BHONSALE, JJ.**

DATE : 21st AUGUST 2026

JUDGMENT : (Per Sarang V. Kotwal, J.)

1. The Petitioner has challenged the Detention Order dated 24th December 2025 passed by Respondent No.2-Commissioner of Police, Pune. Along with the Detention Order, the Respondent No.2, on the same date, passed the Committal Order directing the detention of the Petitioner in Amravati Central Prison.

2. Heard Ms. Singhvi, learned counsel for the Petitioner and Mr. Yagnik, learned APP for the Respondent-State.

3. The Petitioner was served with the grounds of detention along with the Detention Order. Paragraph 2 of the grounds of detention refers to his past activities. It is stated that the Detaining Authority was subjectively satisfied that the Petitioner is a “dangerous person” as

defined under Section 2(b-1) of the Maharashtra Prevention of Dangerous Activities Act, 1981 (for short, “MPDA Act”). It is further stated that his criminal activities are prejudicial to the maintenance of public order.

4. Paragraph No.3.1 contains a list of four offences registered against the Petitioner at Loni Kalbhor Police Station, Pune, during the year 2024 and 2025. Paragraph No. 3.2 refers to three preventive actions taken against him.

5. Paragraph 3.1 refers to the offences registered at Loni Kalbhor Police Station which are as follows:

(i) CR No.73/2024 dated 31st January 2024, mainly under Section 324 of the Indian Penal Code.

(ii) CR No.271/2024 dated 16th May 2024, mainly under Section 324 of the Indian Penal Code.

(iii) CR No.271/2025 dated 15th June 2025 mainly under Section 4(25) of Arms Act.

(iv) CR No.334 of 2025 dated 26th July 2025 under Section 142 of MPA.

Paragraph No.3.2 refers to a three preventive actions taken against him in the past which are as follows:-

(i) Chapter Case No.131 of 2024 dated 8th January 2024 initiated at the instance of Loni Kalbhor Police Station under Section 107 of Code of Criminal Procedure.

(ii) Chapter Case No.62 of 2024 dated 5th September 2024 initiated at the instance of Loni Kalbhor Police Station under Section 56(1)(a)(b) of the Maharashtra Police Act which is in the nature of externment.

(iii) Chapter Case No. 124 of 2025, dated 18th September 2024, initiated at the instance of Loni Kalbhor Police Station under Section 129(e)(g) of the Bharatiya Nagarik Suraksha Sanhita, 2023. In the said proceedings, the Petitioner had executed an interim bond of Rs. 1,00,000/-. However, the case was not taken to its logical conclusion, as the Petitioner had committed one more offence during the pendency of the proceedings, and the authority decided to take more effective action.

6. The grounds of detention, particularly Paragraph 8, clearly refer to the averment of Respondent No.2 that he had relied upon the material mentioned in Paragraphs 5.1, 6.1, and 6.2 to arrive at his subjective satisfaction that the Petitioner was a “dangerous person” as defined under Section 2(b-1) of the MPDA Act and that his criminal activities were prejudicial to the maintenance of public order.

7. Paragraph 5.1 refers to C.R. No. 453 of 2025, dated 8th October

2025, registered at Loni Kalbhor Police Station under Sections 118(1), 115(2), 352, 351(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 4(25) of the Arms Act, Sections 37(1) read with 135 of the Maharashtra Police Act, and Section 7 of the Criminal Law Amendment Act. In this case, the allegations are that on 8th October 2025 the Petitioner and his associates assaulted one Ganesh Sadafule with the blunt side of a sharp-edged weapon, under the suspicion that the said Ganesh had provided information to the Police against the Petitioner and his associates. The friends of Ganesh were also assaulted.

8. Paragraph 6.1 refers to the in-camera statement of a witness “A” regarding an incident dated 18th October 2025, in the nature of extortion, wherein the Petitioner had taken Rs.700/- from the witness by showing a Koyta.

9. Paragraph 6.2 refers to the in-camera statement of Witness “B” in respect of an incident dated 23rd October 2025, wherein the Petitioner had assaulted Witness B and had threatened the other people who were gathered.

10. Learned counsel for the Petitioner submitted that Respondent No.2 had clearly recorded his subjective satisfaction in Paragraph 8, wherein he had stated that he had arrived at such satisfaction based on the material mentioned in Paragraphs 5.1, 6.1, and 6.2 referred to

hereinabove. However, the said averment is contrary to his own satisfaction recorded in Paragraph 2, wherein he has referred to the past activities of the Petitioner and recorded his subjective satisfaction based on those activities. She, therefore, submitted that this contrary conclusion has affected the Petitioner's right to make earliest effective representation against the Detention Order.

11. Learned APP, on the other hand, submitted that the grounds of detention are sufficiently stated in Paragraph 8, wherein the Respondent No.2 has specifically clear that he has arrived at the subjective satisfaction based on the material mentioned in Paragraphs 5.1, 6.1, and 6.2, i.e. one registered offence and the two in-camera statements. Therefore, the Detention Order does not suffer from any infirmity.

12. We have considered these submissions. For passing any Detention Order, it is necessary for the Detaining Authority to be satisfied that the proposed detainee is a "dangerous person" and, secondly, that his activities are prejudicial to the maintenance of public order. The relevant provisions from the MPDA Act are as follows.

13. Section 2(b-1) of the MPDA Act defines a dangerous person which reads thus:-

"2. Definition

(b-1) “dangerous person” means a person, who either by himself or as a member or leader of a gang, habitually commits, or attempts or abets the commission of any of the offences punishable under Chapter XVI or Chapter XVII of the Indian Penal Code or any of the offences punishable under Chapter V of the Arms Act, 1959;

Section 2(a-iv) read thus:

“2. Definitions

(a) “acting in any manner prejudicial to the maintenance of public order” means—

(iv) in the case of a dangerous person, when he is engaged, or is making preparation for engaging, in any of his activities as a dangerous person, which affect adversely, or are likely to affect adversely, the maintenance of public order ;

14. In this context, the satisfaction recorded in Paragraph 2 assumes importance. In Paragraph 2, it was specifically mentioned that the Petitioner was a weapon-wielding dangerous person of violent nature, indulging in criminal activities that caused fear in the society. He and his accomplices moved armed with deadly weapons and did not hesitate to use violence, thereby causing terror, etc.

15. It is further mentioned that the Petitioner has been habitually committing offences against body and property punishable under the

IPC, BNS, and Arms Act and is thus a habitual and dangerous person as defined under Section 2(b-1) of the said Act, and that his criminal activities are prejudicial to the maintenance of public order. This is a clear subjective satisfaction recorded by Respondent No.2 based on his past activities, which particularly refer to the offences under the IPC committed in the year 2024. This is in direct contrast to his subjective satisfaction in Paragraph 8 that he had relied only on C.R. No. 453 of 2025 of Loni Kalbhor Police Station and the two in-camera statements. This has caused confusion and has affected the Petitioner's right to make earliest effective representation.

16. Respondent No.2 has not given the necessary particulars in respect of the offences registered in the year 2024 and 2025 referred to hereinabove and the preventive actions taken. Thus, sufficient material also has not been furnished to the Petitioner to enable him to make effective representation. On both these counts, the continued detention of the Petitioner cannot be permitted.

17. The Detention Order is, therefore, liable to be set aside. Hence the following order:-

:: ORDER ::

(i) The Detention Order bearing No.OW.NO /CRIME /PCB /DET/
LONIKALBHOR /ANSARI /1026 /2025 dated 24th December 2025

passed by Respondent No.2 is quashed and set aside.

(ii) The Petitioner be released forthwith, if not required in any other case.

(iii) Rule is made absolute in the aforesaid terms.

(RANJITSINHA RAJA BHONSALE, J.)

(SARANG V. KOTWAL, J.)