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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 1575 OF 2026

Shivprasad alias Manoj
alias Manya KisanChorghe ... Petitioner
Versus
Commissioner of Police Pune City and ors..... Respondents

Ms. Anjali Raut i/b Ms. Jayshree Tripathi, for the Petitioner.
Ms. M.M. Deshmukh, APP for the Respondent-State.

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

DATE : 31st AUGUST, 2026

JUDGMENT (PER SARANG V. KOTWAL, J.) :

1. The Petitioner has challenged the detention order dated 08/09/2025 passed by the Respondent No.1-the Commissioner of Police, Pune City directing the detention of the Petitioner under the provisions of the Maharashtra Prevention of Dangerous Activities Act, 1981 ("MPDA", for short). Along with the detention order, the Respondent No.1 has also passed the committal order directing the Petitioner to be detained at Jalna Prison.

2. Heard Ms. Raut, learned counsel for the Petitioner and Ms. Deshmukh, learned APP for the State.

3. The Petitioner was served with the grounds of detention running into 15 paragraphs. Paragraph no. 2 mentioned that the Petitioner was a weapon-wielding dangerous recidivist of violent nature indulging in criminal activities that foster terror in society. There is reference to his activities and it was recorded that the Petitioner had been habitually committing body and property offences under the Indian Penal Code, under BNS as well as under Chapter V of the Arms Act and thus, he 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.

4. Paragraph 3 of the grounds of detention mentioned 4 registered offences at Sinhagad Road Police Station which are as follows.

- (i) C.R. No. 566 of 2023 dated 20/11/2023;
- (ii) C.R. No. 635 of 2023 dated 30/12/2023;
- (iii) C.R. No. 580 of 2024 dated 17/10/2024 and
- (iv) C.R. No. 121 of 2025 dated 26/02/2025

All these offences were registered under Section 3(25) & 4(25) of the Arms Act and under Section 37(1)(3) read with 135 of the Maharashtra Police Act ("MPA", for short).

5. Paragraph 3.2 of the grounds of detention mentioned two preventive actions. The first one was under Section 110(g) of the Code of Criminal Procedure initiated under Chapter Case No. 351 of 2023 dated 01/05/2023 at the instance of Sinhagad Road Police Station and the second is externment order No. 5 of 2024 under Section 56(1)(a)(b) of the Maharashtra Police Act initiated at the instance of Sinhagad Road Police Station in December 2023. The Chapter case was withdrawn on 11/12/2023 and the externment order was withdrawn on 09/08/2025. On both these occasions, these proceedings were withdrawn for taking more effective action.

6. Paragraph 5.1 of the grounds of detention refers to C.R. No. 56 of 2025 registered at Ambegaon Police Station under Sections 310(4), 310(5) of BNS and under Section (4)25 of the Arms Act and under Section 37(1) read with Section 135 of the MPA. The incident is dated 08/04/2025. At about 01:05 p.m. on

prior information, the Police arrested 13 persons including the present Petitioner on the allegation that they were making preparations to commit dacoity. However, nothing was found from the present Petitioner. There were some weapons and objectionable materials found with the other three accused. The Petitioner had absconded and he was arrested on 26/06/2025. He was released on bail on 09/07/2025.

7. Paragraph 5.2 of the grounds of detention refers to C.R.No. 122 of 2025 registered at Nanded City Police Station under Section 4(25) of the Arms Act, under Section 37(1)/135 and 142 of the MPA and under Section 7 of the Criminal Law Amendment Act. This was in respect of the incident dated 25/06/2025 when the Petitioner was seen terrorizing the people in the locality. He was arrested on 25/06/2025 and was granted bail on 26/06/2025.

8. Besides these two registered offences, the grounds in paragraphs 6.1 and 6.2 referred to the two in-camera statements of witnesses 'A' and 'B'. Those statements were recorded on 27/06/2025 & 28/06/2025. The incident involving witness 'A' was

dated 15/06/2025 when the Petitioner and his associates removed Rs.1250/- from witness 'A' forcibly. The passersby were also threatened.

9. The incident involving witness 'B' was dated 21/06/2025. The Petitioner and others threatened him and had beaten him.

10. Paragraph 8 of the grounds of detention specifically mentioned that the Respondent No.1 had relied upon the material mentioned in paragraph nos. 5.1, 5.2 and 6.1, 6.2 i.e. the two registered offences referred hereinabove and the two in-camera statements to reach a 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 are prejudicial to the maintenance of public order.

11. Learned counsel for the Petitioner submitted that the averments made in paragraph 8 regarding subjective satisfaction is directly contrary to the averments made in paragraph 2 of the grounds of detention. This has created confusion and it has affected the Petitioner's right to make earliest effective

representation. She submitted that the the detaining authority has not elaborated and had not given particulars regarding the past offences mentioned in paragraph 3.1 and in respect of the preventive action taken in the past. On both these grounds, the detention order is liable to be set aside.

12. Learned APP on the other hand submitted with reference to the affidavit-in-reply that the subjective satisfaction of the Respondent No.1 was based only on the material mentioned in paragraph nos. 5.1, 5.2, 6.1 and 6.2 i.e. the C.R.No. 56 of 2025 registered with Ambegaon Police Station, C.R. No. 122 of 2025 registered with Nanded City Police Station and two in-camera statements of witnesses 'A' & 'B'. The history was mentioned only as the background and preamble.

13. Learned counsel for the Petitioner submitted that some of the documents relating to the earlier offences from the year 2023 to 2025 were provided, but entire documents were not provided and those allegations are not elaborated in the grounds of detention.

14. We have considered these submissions. Paragraph 2 of

the grounds of detention is important. It is mentioned that the Petitioner and his accomplices moved armed with deadly weapons and used them to commit offences such as attempt to commit dacoity, assembling for purpose of committing dacoity, possessing illegal firearms etc. The people were also threatened. After recording this, it is further mentioned that the Petitioner had been habitually committing body and property offences under the Indian Penal Code, under BNS as well as under Chapter V of the Arms Act and the Petitioner is thus a dangerous person as defined under Section 2(b-1) of the MPDA Act and that his criminal activities are prejudicial to the maintenance of public order.

15. Section 2(a)(iv) of the MPDA reads thus :

“Section 2. Definitions

In this Act, unless the context otherwise requires,-

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

(i).....

(ii).....

(iii).....

(iv) in 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.”

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

“2(b-1): “dangerous person” means a person, who either by himself or as a member or leader of a gang, habitually commits, or attempts to commit 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.”

17. Thus, these averments clearly show that the Respondent No.1 has reached the subjective satisfaction based on the past activities and past preventive action mentioned in paragraph nos. 3.1 and 3.2. The Respondent No.1 has not restricted his subjective satisfaction on the grounds mentioned in paragraph nos. 5.1, 5.2, 6.1 and 6.2 as is claimed in paragraph 8. The averments in paragraph 2 and paragraph 8 of the grounds of detention are directly contrary. This has definitely affected the Petitioner's right to make earliest effective representation against the detention order. Moreover, no material is mentioned in the grounds of detention regarding the past activities and past preventive action mentioned in paragraph 3 of the grounds of detention. This has also affected the Petitioner's right to make effective representation. For all these reasons, the impugned detention order has become unsustainable. The Petition deserves to be allowed. Hence, the following order.

18. Rule is made absolute in terms of prayer clause (b) which reads thus :

“(b) The order of detention bearing D.O. OW. CRIME/PCB/DET/NANDED CITY/ CHORGHE/731/2025 dated 08.09.2025 issued under Section 3 of M.P. D.A. Act 1981 by the Respondent No.1 be quashed and set aside and on quashing the same the Petitioner be ordered for release forthwith”

19. The Petitioner is directed to be released forthwith if not required in any other offences.

20. The Petition is disposed of.

(RANJITSINHA RAJA BHONSALE, J.) (SARANG V. KOTWAL, J.)