

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

CRIMINAL WRIT PETITION NO. 6779 OF 2025

Vishal Bandu Raut.

... Petitioner.

Versus

Commissioner of Police, Pune City
and others.

... Respondents

Ms.Jayashree Tripathi with Ms.Anjali Raut for the Petitioner.
Ms.M.H.Mhatre, APP for the Respondent- State.

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

DATE : 21st AUGUST 2026.

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

1. The Petitioner has challenged the Detention Order bearing No.CRIME/ PCB/ DET/ SINHGAD ROAD/ RAUT/ 778/ 2025 dated 24th September 2025 passed by Respondent No.1- Commissioner of Police, Pune City. Along with Detention Order, the Committal Order was passed and the Petitioner was directed to be detained in Kolhapur Prison at Kolhapur. The Detention Order was passed under the Maharashtra [Prevention of Dangerous Activities] Act, 1981 (for short "MPDA Act").
2. Heard Ms. Tripathi, learned counsel for the Petitioner and Ms. Mhatre, learned APP for the Respondent- State.

3. The Petitioner was served with the grounds of detention which consist of 15 paragraphs. Paragraph-2 mentioned that the Petitioner was of a weapon-wielding dangerous recidivist of violent nature indulging in criminal activities that foster terror in the society. The Petitioner and his accomplices moved with deadly weapons and used them while committing offences such as causing grievous hurt, criminal conspiracy, riot etc. While being engaged in these violent criminal activities they also threatened people not to complain to the Police about their activities. Paragraph-2 further mentions that the Petitioner has been habitually committing offences under the Indian Penal Code (IPC), Bharatiya Nyaya Sanhita, 2023 (BNS) as well as under Chapter-V of the Arms Act and he was thus a dangerous person as defined under section 2 (b-1) of the MPDA Act and that the criminal activities were prejudicial for the maintenance of public order. Para 3 refers to the following three offences:-

- (i) CR No.817/2023 registered with Bharati Vidyapeeth Police Station dated 19th December 2023.
- (ii) CR No.95/2025 registered with Sinhgad Road Police Station dated 10th February 2025.
- (iii) CR No.28/2025 registered with Ambegaon Police Station dated 13th March 2025.

Paragraph 3 further refers to a preventive action i.e. Chapter Case No.14/2025 dated 18th April 2025 initiated at the instance of the Ambegaon Police Station under section 129(e)(g) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”). It is further mentioned that to initiate more effective action, the case was withdrawn on 12th September 2025 under section 137 of the BNSS by the Special Executive Magistrate, Zone-II, Pune City. It is further mentioned that there was no deterrent effect on the Petitioner in spite of the previous preventive actions and hence it was evident that previous preventive actions were insufficient to curtail his dangerous criminal activities which were prejudicial to the maintenance of public order.

4. Paragraph-8 refers to the material mentioned in paragraphs 5.1, 6.1 and 6.2 and it further mentions that the Respondent No.1 had relied only on that material to arrive at his subjective satisfaction that the Petitioner was a dangerous person as defined in section 2(b-1) of the MPDA Act and that his criminal activities were prejudicial to the maintenance of the public order.

5. Paragraph 5.1 refers to CR No.267/2025 registered with Sinhgad Road Police Station under sections 118(2), 190, 189(2), 189(4), 191(3) and 3(5) of BNS, section 4(25) of the Arms Act and

section 37(1) and 135 of the Maharashtra Police Act. It refers to the incident dated 25th May 2025 wherein the Petitioner and his associates had allegedly inflicted blows with iron sickle on the complaint's left hand. The Petitioner was granted bail on 16th June 2025 in that connection.

6. Paragraph 6.1 refers to the statement of Witness "A" which was recorded in-camera. This was in respect of incident dated 20th June 2025. The allegations are in the nature of extortion. The Petitioner and his associates had forcibly taken Rs.1900/- from the said witness.

7. Paragraph 6.2 refers to the in-camera statement of Witness "B" in respect of incident dated 22nd June 2025. Again the allegations are in the nature of extortion and the Petitioner had taken Rs.1400/- from the said witness.

8. Learned counsel for the Petitioner submitted that though in paragraph 8 of the grounds of detention, the Detaining Authority has mentioned that he had based his subjective satisfaction only on CR No.267/2025 registered with Sinhgad Road Police Station and two in-camera statements, his stand is contrary to the averments made in paragraph-2 which refers to the past activities of the Petitioner and also to the preventive actions and, therefore, this has created confusion thereby affecting the Petitioner's right to make the earliest effective

representation. She submitted that the averment that the preventive actions were insufficient is also not correct as the action was dropped midway.

9. Learned A.P.P, on the other hand, submitted that the Petitioner's past history was mentioned only to show his criminal tendency, but the Detention Order was based only on the aforementioned one registered offence and two in-camera statements and there is no substance in the stand taken by the Petitioner.

10. We have considered these submissions. We find force in the submissions made by learned counsel for the Petitioner. Paragraph-2 clearly refers to the Petitioner's past activities. It refers to the offences under IPC committed much prior to registration of CR No.267/2025 with Sinhgad Road Police Station. The Respondent No.1 has recorded his subjective satisfaction that the Petitioner was a dangerous person and that his criminal activities were prejudicial for the maintenance of public order; based on the past activities. This is important because the Detention Order can be passed when two conditions are satisfied. Firstly, the proposed detenu has to be a dangerous person as defined under Section 2(b-1) of the MPDA Act and secondly, his activities must necessarily affect the public order adversely.

11. Section 2 (b-1) of the MPDA Act defines dangerous person as

follows.

“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 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;”

Section 2(a)(iv) reads thus:

“2. Definition

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 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.;

Thus, both these definitions are important and unless both these conditions are satisfied, the Detention Order cannot be passed. In the present case, clearly the Respondent No.1 has based his subjective satisfaction on the past activities. The particulars regarding his past activities are not provided in the grounds of detention. Therefore, on this count the Detention Order is unsustainable.

12. Apart from that, the Respondent No.1 has referred to the preventive action i.e. Chapter Case No.14/2025 initiated at the instance

of Ambegaon Police Station and it was stated in the grounds of detention that preventive actions were insufficient to curtail the Petitioner's dangerous criminal activities. However, the said paragraph itself mentions that the preventive action was withdrawn on 12th September 2025. It was not taken to its logical end. Therefore, this satisfaction that the preventive actions were insufficient to curb the Petitioner's activities is factually incorrect. Therefore, the final subjective satisfaction is also vitiated.

13. Considering all the above aspects, the Detention Order is liable to be set aside. Hence the following order:

ORDER

- (i) The Petition is allowed in terms of prayer clause (b)
- (ii) The Detention Order bearing No.CRIME/ PCB/ DET/ SINHGAD ROAD/ RAUT/ 778/ 2025 dated 24th September 2025 passed by Respondent No.1- Commissioner of Police, Pune City is quashed and set aside.
- (iii) The Petitioner be released forthwith, if not required in any other case.
- (iv) Rule is made absolute in the aforesaid terms.

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