

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2097 OF 2024

Buddhaghosh Kirtipal Jadhav .. Petitioner
Versus
State of Maharashtra & Anr. .. Respondents

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Mr.Machhindra A. Patil for the Petitioner.
Mr.J.P.Yagnik, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 22nd AUGUST, 2024

P.C:-

1. The present Petition filed by the detenu raises a challenge to the order of detention dated 11/03/2024 passed by the Commissioner of Police, Solapur City under the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders, Dangerous Persons, Video Pirates, Sand Smugglers and persons engaged in Black-marketing of Essential Commodities Act, 1981 (for short, "**Act of 1981**"), by pleading that the order passed by the Detaining Authority suffers from non-application of mind, his release is prayed for.

2. We have heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor Mr.Yagnik for the State.

In light of the grounds raised in the Petition, we have perused the grounds of detention communicated to the detenu on the date of his detention and we have noticed that the Detaining Authority has referred to three offences registered with Jodbhavi Peth Police Station, to reflect his criminal antecedents and in addition, reference is also made to the preventive action initiated against him in the year 2023, when he had furnished a bond of Rs.7,000/- for good behaviour on 09/11/2023. Recording that the preventive action did not deter him from indulging in commission of crime further, for the purpose of passing the detention order on the basis, that his activities are prejudicial to the maintenance of public order in future, the Detaining Authority has made reference to registration of C.R. with Faujdar Chawadi Police Station, invoking Sections 392, 504, 34 of IPC.

In clause 5.1 of the grounds of detention, the Detaining Authority has briefly narrated the contents of the said complaint and the investigation carried out therein.

Though the F.I.R. was registered against an unknown person, during the investigation, the role of the Petitioner has surfaced on record and in fact, he was identified in the test identification parade, conducted by Tahasildar, Solapur. He applied for bail before CJM Court and on 01/03/2024, he was released on bail.

3. The Detaining Authority has also made reference to two in-camera statements, since due to reign of terror created by the detenu, most of the victims were not willing to complain

against him and it was only upon the assurance from the police that their names and identity would be kept secret and they would not be called upon to depose against detenu in any court or in any other open forum, the witnesses came forwarded and got their statements recorded.

Witness 'A' referred to an incident which took place in the fourth week of January 2024, when a knife was brandished at him and the chain and mangalsutra of his wife were snatched. As far as witness 'B' is concerned, he refer to the incident of first week of February, 2024, when he refer to the extortion act of the detenu.

The in-camera statements were subsequently verified by the Assistant Commissioner of Police and the veracity of the statements has also been established.

4. In the wake of the aforesaid, the Detaining Authority was subjectively satisfied that the Petitioner/Detenu is a 'dangerous person' within the meaning of Section 2(b-1) of the Act of 1981 and, since, he was released on bail in C.R.No.69 of 2024, considering the tendency of committing the offence in future, it was deemed necessary to detain him by following the necessary procedural safeguards.

5. Apart from the ground of non-application of mind, the grounds raised in the Petition in no way indicate any non-application of mind on the part of the Detaining Authority.

Reliance is placed by the learned counsel on the decision in the case of *Lakhan Rohidas Jagtap Vs. The Commissioner of*

*Police, Pune & Ors.*¹, which is on the point of absence of verification of in-camera statements.

Since, in the present case, we find verification conducted by the Assistant Commissioner of Police, the law laid down, in no way applies to the present case.

Since the Petitioner has failed to make out any case for quashing of the detention order, by upholding the same, the Writ Petition is dismissed.

(MANJUSHA DESHPANDE,J.)

(BHARATI DANGRE, J.)

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