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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 594 OF 2024

Naresh Ramu Nile

...Petitioner

Versus

- (1) The State of Maharashtra
- (2) The Director General of Police,
Police Headquarters.
- (3) The Commissioner of Police,
Mira Bhayander Vasai Virar
Police Commissionerate.
- (4) The Senior Police Inspector,
Mira Road Police Station.
- (5) The Senior Police Inspector,
Kashimira Police Station.

...Respondents

Mr. Suresh Kulkarni a/w Mr. Khush Khandelwal i/b Mr. Vinod P. Sangvikar, for the Petitioner.

Mr. H.S.Venegavkar, P.P. a/w Mrs. P.P.Shinde, A.P.P for the Respondent-State.

Mr. Prakash Gaikwad, DCP, Zone – I, and Mr. Vijay Marathe, ACP, Mira road, present.

**CORAM : REVATI MOHITE DERE &
SHIVKUMAR DIGE, JJ.
DATE : 23rd FEBRUARY, 2024**

ORAL ORDER (PER REVATI MOHITE DERE, J) :

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith with the consent of the parties and is taken up for final disposal. Mr. H.S.Venegavkar a/w Mrs.P.P.Shinde, APP waives notice/service on behalf of all the respondents.
3. By this petition, the petitioner has impugned the orders dated 19th February, 2024 and 20th February, 2024 passed by the Mira Road Police Station and Kashimira Road Police Station respectively, refusing permission to the petitioner to conduct a procession / rally on 25th February, 2024, to commemorate the birth anniversary of Chhatrapati Shivaji Maharaj, and as such, seeks quashing of the same. The petitioner also seeks quashing of the notices dated 20th February,

2024 issued by the respondent Nos.4 and 5, under Section 149 of the Criminal Procedure Code as well as quashing of the Orders dated 19th February, 2024 and 20th February, 2024 passed by the respondent Nos.4 and 5, issuing a memo (*Samajpatra*) to the petitioner. Consequently, the petitioner seeks permission for him and Mr. T. Rajasingh Thakur to carry out a procession and address a rally to commemorate the birth anniversary of Chhatrapati Shivaji Maharaj on 25th February, 2024.

4. Learned Counsel for the petitioner submits that although, several cases were registered as against T.Rajasingh Thakur, MLA, Telangana, in Telangana as well as cases, in Maharashtra and other States, however, no case has been registered as against Mr. T. Rajasingh Thakur, after the order was passed by the Apex Court on 17th January, 2024. Learned Counsel for the petitioner submits that a petition i.e. Criminal Writ Petition No. 369 of 2024 was filed by the petitioners therein, as the respondents therein had refused permission to the petitioners therein and Mr. T. Rajasingh Thakur from holding a

meeting in Chopda City. He submits that the Division Bench of the Aurangabad Bench of the Bombay High Court, allowed the said petition vide order dated 20th February, 2024, and as such, after quashing the impugned order, refusing permission to hold a meeting, directed the Police to grant permission to the petitioner, by imposing necessary conditions. Learned Counsel for the petitioner submits that the petitioners therein as well as T. Rajasingh Thakur had given an undertaking in the said petition that they would not indulge in any hate speech. It is submitted that pursuant to the permission granted by the Aurangabad Bench of the Bombay High Court, meeting was held and speeches were delivered on 21st February, 2024 and that, no untoward incident had taken place and as such, no case was registered as against any person.

5. Mr. Venegavkar, learned P.P. opposed the petition. He submits that there is an apprehension that some untoward incident may take place in the procession or at the rally, which is to be conducted on 25th February, 2024. He submits that on 22nd January,

2024, during the Pran Pratishtha, riots had taken place in Mira Bhayander and as such, justified the refusal of permission by the authorities. Mr. Venegavkar further submits that Mr. T. Rajasingh Thakur has several antecedent and that there are several cases registered as against him for giving hate speeches not only in Telangana, but also in other States, including Maharashtra and as such, there is an apprehension that he may indulge in hate speech again at the rally.

6. In view of what was submitted by Mr. Venegavkar, Mr. Kulkarni submitted that the place where the rally is to be held, is about 1.9 kilometre away from where the riots had taken place on 22nd January, 2024. He submits that the petitioner and Mr. T. Rajasingh Thakur will abide by all the terms and conditions as may be imposed by the authorities, including change of route, through which the procession will proceed. Mr. Kulkarni, however, submits that the starting point and the end point should not be disturbed by the Police.

7. Perused the papers. It appears that the petitioner had

made an application before the respondent Nos.4 and 5 on 9th February, 2024, seeking permission for taking out a procession from Chhatrapati Shivaji Maharaj Statue Road to Silver Park S.K. Stone and thereafter, to Central Park Ground Gate No.5. The main speaker at the event was stated to be Mr. T. Rajasingh Thakur, MLA from Telangana State. It appears that initially, a request was made for holding the procession on 19th February, 2024, by way of an application dated 5th February, 2024 to the respondent No.5, however, in view of the prevalent situation on 19th February, 2024, it was decided to postpone the rally / congregation to 25th February, 2024. According to the petitioner, again vide application dated 9th February, 2024, permission was sought to celebrate the birth anniversary of Chhatrapati Shivaji Maharaj. According to the petitioner, the respondent Nos. 4 and 5, on 19th February, 2024 and 20th February, 2024, passed the impugned orders, refusing permission to the petitioner to carry out the procession. The same, according to the petitioner was communicated to the petitioner by styling it as a *Samajpatra (communication)*. Thus, by the said communication,

permission was refused to the petitioner to carry out the rally. Hence, this petition.

8. We are conscious of the fact, that several cases have been registered against the speaker Mr. T. Rajasingh Thakur, who is one of the main speakers, at the congregation to be held on 25th February, 2024, which is to commemorate the birth anniversary of Chhatrapati Shivaji Maharaj. However, we may also note, that after the order dated 17th January, 2024, passed by the Apex Court, despite Mr. T. Rajasingh Thakur, having participated in rallies / meetings and giving speeches, no untoward incident is reported at any of the places, where the meeting / congregation was held. A Division Bench of this Court, Aurangabad Bench (*Coram : Mangesh S. Patil & Shailesh P. Brahme, JJ.*) vide order dated 20th February, 2024, passed in Criminal Writ Petition No. 369 of 2024, quashed and set aside the communication impugned therein, issued against the petitioners therein. By the said communication, the Police Inspector of Chopda Police Station had refused permission to the petitioners therein from arranging a

congregation in a field next to the Court at Chopda on 21st February, 2024. The said order is at 'Exhibit – F' at page 47 of the petition. The Court (*Coram : Mangesh S. Patil & Shailesh P. Brahme, JJ.*) observed that the impugned communication therein, was rejected as the main speaker Mr. T. Rajasingh Thakur, MLA from Telangana State, indulged in hate speech; that there were law and order problems in Chopda City between two sects; and that potentially the congregation could lead to some serious issues regarding law and order; that Mr. T. Rajasingh had delivered a speech at Solapur on 6th January, 2024, pursuant to which, an FIR has registered as against him; that the Chopda City had a history of communal riots; and that several offences had been registered as against Mr. T. Rajasingh Thakur in Telangana and other States.

This Court in the said Writ Petition, after noting the grounds on which, permission was refused, rejected the said grounds and allowed the petition and accordingly, quashed and set aside the said communication.

9. We may note, that the Apex Court had passed an order on 17th January, 2024, which is on page 35 of the petition, by which permission for holding a rally was given on certain terms and conditions stipulated therein. Admittedly, the offence which was registered at Solapur was prior to the order passed by the Apex Court on 17th January, 2024 i.e. the Solapur offence was registered as against Mr. T. Rajasingh Thakur on 7th January, 2024. We may note that thereafter, not a single case has been registered as against Mr. T. Rajasingh Thakur.

10. The respondent Nos.4 and 5 have also refused permission to hold the congregation only on the basis of Mr. T. Rajasingh Thakur's previous antecedents and apprehension that there would be some law and order problems between two sects, which would lead to a serious law and order situation. We may note, that similar grounds were relied upon by the authorities whilst refusing permission to the petitioners in Criminal Writ Petition No. 369 of 2024, to hold the congregation in which, Mr. T.Rajasingh was to participate. All the

said grounds were dismissed by this Court while allowing the petition.

11. Learned Counsel for the petitioner states that the petitioner as well as Mr. T.Rajasingh are ready to give an undertaking to the Deputy Commissioner of Police of Zone-I, Mira Bhayander, that they will abide by all the terms and conditions imposed by the authorities and will follow the route, given by the Police Authorities. He submits that 'Point A' and 'Point B', from where the rally is to start and where the rally is to end, should not be changed, as all arrangements are already made. Mr. Venegavkar states that the Police will only decide the route to be taken from 'Point A' to 'Point B'. Mr. Kulkarni also submits that alongwith the petitioner, Mr. T.Rajasingh Thakur will also give an undertaking to the Police that they will not make any hate speech. He states that the undertaking will be sent to the Deputy Commissioner of Police, Zone-I, today, by e-mail/fax. Statement accepted.

12. The said undertaking to be given by the petitioner by e-mail/fax to Deputy Commissioner of Police, Zone I, today, during the

course of the day.

13. In light of the aforesaid, petition is allowed on the following terms and conditions:

ORDER

- (i) The Writ Petition is allowed.
- (ii) All the impugned communications are quashed and set aside.
- (iii) We direct the respondent Nos. 4 and 5 to grant permission to the petitioner to conduct a rally on 25th February, 2024 to commemorate the birth anniversary of Chhatrapati Shivaji Maharaj, on such terms and conditions, as they may be deem fit and proper.
- (iv) Accordingly, the respondent Nos.4 and 5 to issue a fresh order. The fresh decision to be communicated to the petitioner, during the course of the day.
- (v) The petitioner and Mr. T.Rajasingh to file an undertaking also during the course of the day as stated aforesaid and

send the same by e-mail/fax, to the Deputy Commissioner of Police, Zone-I.

- (vi) Needless to state that the Police to video record the entire procession that will be taken out by petitioner as well as the speeches that will be made at the said congregation / rally.

14. Rule is made absolute on the aforesaid terms. The petition is accordingly is disposed of.

15. All concerned to act on the authenticated copy of this order.

SHIVKUMAR DIGE, J.

REVATI MOHITE DERE, J.