

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1267 OF 2024

Ajinkya @ Sayya Aadhav Ramchandra .. Petitioner
Shinde

Versus

The Commissioner of Police and ors .. Respondents

...

Mr. Tejas S. Pawar for the petitioner.
Mr. J.P. Yagnik, APP for the State.

CORAM : NITIN W. SAMBRE &
MANJUSHA DESHPANDE, JJ
DATED : 26th SEPTEMBER, 2024

P.C:-

1 We would like to have an additional affidavit from the Detaining Officer, the then Commissioner of Police, Mr. Ritesh Kumar to deal with the following issues:-

(a) It is noticed that in number of Writ Petitions, the detention orders were questioned and it is noticed that the detention orders are passed in a stereotype manner. For example, the detention order in Writ Petition No. 3015/2024 passed by very same Officer is similar to that of the detention order passed in the present case but for cut, copy and paste.

2 Apart from above, it is brought to our notice that though on the date of passing of order of detention i.e.

28/12/2023, the petitioner was already released on bail by the Court below on 12/12/2023 in this single isolated offence which is formed to be basis for order in detention.

3 Neither the detention order nor the affidavit filed by the said Officer is dealing with the said issue.

4 In that view of the matter, we deem it appropriate to direct the Detaining Officer to file an affidavit explaining the aforesaid shortfalls.

5 However, this Court is required to be sensitive to the fact that *prima facie*, the detention order suffers from not only non-application of mind, but also non-application of mind as on passing of order of detention, the sole crime which is relied on for order in detention, the petitioner was already on bail. Neither the said order was considered, nor the detention order reflects application of mind. That being so, we direct the petitioner to be released on bail on furnishing P.R. bond of Rs.25,000/- with one or two sureties in like amount.

Let the affidavit be placed on record within a period of three weeks.

(MANJUSHA DESHPANDE, J)

(NITIN W. SAMBRE, J.)