



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.498/2024

(Prakash Harichand Mothghare Vs. The District Magistrate, Bhandara and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N.P. Meshram, Advocate for the petitioner.
Mr. A.B. Badar, A.P.P. for respondent Nos.1 to 3.

CORAM: NITIN W. SAMBRE & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 9.12.2024.

Post the matter for further consideration on 27.1.2025.

2. So as to demonstrate criminal background of the petitioner Police Inspector has drawn a proposal on 9.2.2024 for submission to detaining authority. Said proposal dated 9.2.2024 includes offence Crime No.80/2024 which was registered subsequently i.e. on 20.2.2024. Hence it is claimed that order of detention suffers from non-application of mind.
3. Though the detaining authority has claimed that the proposal was even if prior in point of time by the Police Inspector same was considered subsequent to the date of registration of offence.
4. *Prima facie* we are satisfied that there appears substance in the claim of the petitioner that the Inspector of Police has prepared an ante-dated proposal.
5. Such act on the part of the respondents particularly on the part of the detaining authority speaks of non-application of mind. Apart from above, the affidavit is not sworn by the same detaining authority.
6. That being so, the petitioner shall be forthwith admitted to bail on furnishing P.R. bond of Rs.2,000/- before the Jail Superintendent.

7. We expect specific response from the Police Station Officer who has forwarded the proposal to the detaining authority on the above issue.

(MRS.VRUSHALI V.JOSHI, J.)

(NITIN W. SAMBRE, J.)