



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 CRIMINAL WRIT PETITION NO.413 OF 2025

WITH

CRIMINAL APPLICATION NO.1364 OF 2025

IN

CRIMINAL WRIT PETITION NO.413 OF 2025

AMAR BALU BHOSALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mrs. Sunita G. Sonawane, Advocate for petitioner/applicant

Mrs. R.P. Gour, APP for respondent Nos.1 to 3

...

CORAM : SMT. VIBHA KANKANWADI &
MANJUSHA DESHPANDE, JJ.

DATE : 17th APRIL, 2025

ORDER :

- 1 Not on board. Taken on board upon mentioning.
- 2 Issue notice to respondents in respect of Criminal Writ Petition as well as Criminal Application. Learned APP waives notice for all respondents.
- 3 As regards **Criminal Application** is concerned, it is stated to be filed under Section 15 of the Maharashtra Prevention of Dangerous Activities

of Slumlords, Bootleggers, Drug Offenders and Dangerous Persons Act, 1981 (for the sake of brevity hereinafter referred to as “MPDA Act”) seeking temporary release. The applicant seeks the enlargement on temporary release as the marriage of his real sister would be performed on 19.04.2025 and it is stated that he is the only brother to his sister.

4 We are basically on the point of conduct of applicant. The detention order has been passed on 21.02.2025 and it has been confirmed on 03.03.2025 by the State. After the order was passed, it is stated that applicant has been lodged in Central Jail, Nashik. In the application the applicant says that he had filed the application before Superintendent of Nashik Jail on 08.04.2025 for granting permission to release him temporarily, however, it was not accepted and, therefore, the applicant has approached this Court. Here, it is to be noted that along with application only one document has been produced i.e. photo copy of marriage card of sister of applicant. Application or the petition which the applicant had filed before Superintendent of Nashik Jail is not annexed. Therefore, there is no support to the statement by applicant that there was an attempt by him for temporary release under Section 15 of the MPDA Act by filing such application before Superintendent of Nashik Jail. To whom that application was addressed to cannot be gathered, because Section 15 of the MPDA Act gives power to the

State Government and not the Superintendent of Jail. At the most, Superintendent of Jail is duty bound to forward such application to the appropriate authority. This fact can also be considered from another angle. If the Superintendent of Nashik Jail had refused to accept the said application on 08.04.2025 filed by the applicant, then any person on behalf of applicant/petitioner could have filed such application before the State Government directly. But, it appears that no such step has been taken. Even present application has been filed on 15.04.2025. That means, the time from 08.04.2025 to 15.04.2025 has been allowed to go waste by applicant. Now, intentionally hurry has been made to place this application. Even after the filing of application no praecipe has been filed by learned Advocate for applicant to get the matter circulated. No doubt, writ petition was to come up on today, but for that purpose the praecipe was already given on 02.04.2025. We deprecate such practice of approaching the Court late and then put a pressure under reasons of attending marriage ceremony or any such reasons and getting sympathy from the Court. At this stage, we do not want to go into merits of the detention order, but only note can be taken that present applicant/petitioner is involved in 10 criminal matters i.e. two matters are under Section 307 of the Indian Penal Code and one matter is under Sections 377, 376, 109 of BNS (old 307 of IPC). When such is the background and such is the conduct, we are not inclined to release applicant

temporarily for a period of one week, however, if the applicant is ready to bear the expenses, then he can be permitted to attend the marriage ceremony under Escort. Learned Advocate for applicant, upon instructions, submits that applicant's relatives are not ready to bear those expenses. Under those circumstances, **we reject criminal application and dispose it of.**

5 As regards **Writ Petition** is concerned, affidavit-in-reply to be filed by respondents on or before 09.05.2025. Copy of the same be given to other side, in advance.

6 Place the matter for further consideration on 11.06.2025.

(MANJUSHA DESHPANDE, J.)

(SMT. VIBHA KANKANWADI, J.)

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