

Ms. Jayshree Tripathi a/w Anjali Raut, for the Petitioner.
Mr. S.V. Gavand, APP, for the State.

**CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.**

DATE : 21ST FEBRUARY 2025.

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JUDGMENT: (PER SARANG V. KOTWAL, J)

1. Heard Ms. Jayshree Tripathi, the learned counsel for the petitioner and Mr. S.V. Gavand, the learned APP for the State.
2. The petitioner has challenged the detention order dated 15th July 2024, bearing No. TC/PD/DO/MPDA/10/2024 issued under Section 3 of M.P.D.A Act, 1981 passed by the Respondent No. 1, the Commissioner of Police, Thane. By a separate order of the same date i.e. 15th July 2024 the petitioner was directed to be detained in Yerwada Central Prison, Pune. Along with both these orders, the Petitioner was served with grounds of detention dated 15th July 2024.
3. The grounds of detention refers to various offences and the preventive measures taken in the past against the petitioner. However,

from Paragraph No. 4 onwards the detaining authority has crystallised the material on which the detention order was passed. The said material is as follows:-

- i) C.R. No. 47 of 2024 registered at Kalwa Police Station on 14th January 2024 under Sections 143, 144, 147, 148, 149, 323, 324, 326, 307, 504, 506, 452, 427 of the Indian Penal Code.
- ii) C.R. No. 61 of 2024 registered at Kalwa Police Station on 15th January 2024 under Sections 506(2) r/w. 34 of the Indian Penal Code.
- iii) C.R. No. 66 of 2024 registered at Kalwa Police Station on 16th January 2024 under Sections 307, 386, 387, 109, 120(B). 143, 144, 147, 148, 149 of the Indian Penal Code r/w 3, 25 and 27 of the Arms Act r/w. 37(1) and 135 of the Maharashtra Police Act.
- iv) In-camera statement of witness 'A' and in-camera statement of witness 'B'.

In short, the detention order is passed based on three registered offences and two in-camera statements.

4. C.R. No. 47 of 2024 pertains to the incident dated 13th January 2024 which had taken place at around 6.30p.m. in the evening, when the petitioner and his associates vandalised the house of the informant's son-in-law, Eknath. The petitioner was carrying a hammer. He assaulted the complainant's son Sandesh Rajbhar with a

knife. The people in the area were terrified. He was arrested on 14th January 2024 and he was granted bail on 15th April 2024.

5. In respect of C.R. No. 61 of 2024, the incident was dated 12th January 2024, at about 9.00 p.m., when the petitioner had given threats of life to the witnesses, i.e. the complainant's husband and brother. He was arrested on 28th February 2024 and was granted bail on 26th April 2024.

6. In respect of C.R. No. 66 of 2024, the incident was dated 15th January 2024. At that time one Rahul had fired at one Sandip causing fire-arm injury to Sandip's leg. The petitioner was not present at the spot but according to the investigating agency, the offence was committed at his behest. His role was revealed subsequently. As he was already in custody, he was transferred in custody for this offence and was shown arrested in this offence on 22nd January 2024. He was granted bail on 1st June 2024.

7. The in-camera statement of witness 'A' refers to an incident which had taken place in the 3rd week of June 2024, when the petitioner had forcibly taken away Rs.800/- from him by assaulting witness 'A'. The other in-camera statement of witness- 'B' was in respect of the incident that had taken place in the 3rd week of June 2024. In that incident the petitioner had forcibly taken Rs.12,000/-. The people in the area had got scared. Both the statements were recorded on 19th June 2024 and 20th June 2024, respectively.

8. Learned counsel for the petitioner made the following submissions:

i) In C.R. No. 47 of 2024, they were 13 accused and the detaining authority had unfairly picked the petitioner to clamp him with this stringent detention order against him.

ii) Her second submission was that, in respect of C.R. No. 61 of 2024, the public order was not disturbed. The petitioner was granted bail in that case.

iii) Her third submission was that, in connection with C.R. No. 66 of 2024, the petitioner was not present at the spot. He was in custody and therefore, there was no connection of the petitioner with the crime and yet this was held to be a material against the petitioner.

9. According to Ms. Tripathi, in all these matters, the petitioner had not caused any disturbance of public order. Therefore, the detention order was not necessary.

10. On the other hand, the learned APP submitted that the petitioner was released on bail on 1st June 2024 and within a short period in the 3rd week of June, there were two instances affecting the witnesses 'A' and 'B'. This shows his continuous indulgence in these activities. This also shows his habitual nature of committing the offences. In particular, the statement of witness 'B' shows that the public order was greatly disturbed and the people in the locality were scared.

11. We have considered these submissions. The first incident in respect of C.R. No. 47 of 2024 clearly shows the petitioner's involvement as it is described in the grounds of detention. The said act

also shows that the petitioner had vandalised the residence of the victim with a hammer in his hand. The material mentions that the people around the area got terrified and they shut their doors. This activity clearly affected the people's lives in the area, thus affecting the public order.

The second C.R. No. 61 of 2024 mentions that the complainant knew the detenu and the people in the area were terrified because of him. He had given serious threats to the complainant's husband and brother. This affected the public order.

Though in connection with C.R. No. 66 of 2024, he was not present at the spot but the investigation had revealed that the petitioner had instigated Rahul to fire at the victim Sandip. The offence was committed at his behest which again directly affected the people in the locality. Thus, the Public order was affected adversely.

12. Similarly, statement of witnesses 'A' and 'B' show the dangerous nature of the petitioner. As rightly submitted by the learned APP after being released on bail on 1st June 2024 the petitioner had committed offences against witnesses 'A' and 'B'. Thus, his activities continued. Those in-camera statements were verified by the Assistant Commissioner of Police, Kalwa Zone, Thane and they were found to be true.

13. Thus, the effect of all these materials against the petitioner clearly shows that passing of the detention order against the petitioner was a necessity. We do not find any infirmity in the approach of the detaining authority and in the grounds of detention mentioned

hereinabove. Therefore, we do not find any reason to set aside the detention order.

14. With the result, the petition is dismissed.

15. The Rule is discharged.

(S.M. MODAK, J)

(SARANG V. KOTWAL, J)