

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 330 OF 2025

Deepak Pandurang Bhosale

Age 28 years. Occ. Nil,
resident of Shelgaon, Tal. Indapur,
District Pune.
(At present Yerwada
Central Prison)

.....Petitioner

Versus

1. The State of Maharashtra

(Through the Secretary to the Govt.
of Maharashtra (Prevention Detention,
Home Department (Special),
Mantralaya, Mumbai – 400 032.

**2. The office of Collector and District
Magistrate, Pune**

Having address at New Collector
Office Building, Station Road,
Opp. Sassoon Hospital, Pune – 01.

**3. The Superintendent
Yerwada Central Prison,
Yerwada, District Pune.**

.....Respondents

Mr. Ganesh Bhujbal - Advocate for the Petitioner.

Smt. M. M. Deshmukh - APP for the Respondent-State.

PSI Milind Mithapalli – Walchand Nagar Police Station.

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

DATE : 21st MARCH 2025

JUDGMENT : (Per SARANG V. KOTWAL, J.)

1. The Petitioner has challenged the detention order dated 15.04.2024 bearing outward no. PGM/MPDA/SR/02/01/2024 issued by the Respondent No. 2 against the Petitioner under the provision of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders, Dangerous Persons, Video Pirates, Sand Smugglers and Persons engaged in Black-marketing Essential Commodities Act, 1981 (for short M.P.D.A.). The Petitioner is detained in the Yerwada Central Prison. Alongwith detention order, the Petitioner was served with grounds of detention.

2. Heard learned Advocate Shri Bhujbal for the Petitioner and learned APP Smt. Deshmukh for the Respondent No. 1-State.

3. The detention order is based on C.R. No. 775 of 2023 registered at Walchand Nagar Police Station on 21.10.2023 under Sections 307, 353, 120-B, 341, 324, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code, under Section 4 read with 25 of the Arms Act, Section 3(1)(r),(s), 3(2)(va) and 6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 135 of the Maharashtra Police Act. The incident is dated 21.10.2023. It is alleged in the case that the Petitioner and his associates had assaulted the informant on his leg, right

shoulder and on his thumb with sword and iron rod and had abused him in reference to his caste.

4. The in-camera statement of the witness-A was recorded on 02.03.2024 in respect of incidents which had taken place on 25.02.2024. When witness was going home after finishing his work, the Petitioner stopped him and demanded Rs. 3,000/- per month as extortion money. He threatened this witness and removed Rs. 1,000/- from his pocket.

5. In-camera statement of the witness-B was recorded on 18.03.2024 in respect of two incidents. First incident was in December 2023, when he was threatened by the Petitioner and the other incident was dated 17.03.2024, the Petitioner stopped him and showed him Koyta and removed Rs. 1,000/- from his pocket.

6. On this basis, the detention order was passed. There is a reference to the Petitioner's past history mentioning four registered offences from the year 2018 upto 2023 registered at Walchand Nagar Police Station under the various provisions of the Indian Penal Code which were mainly the offences against the body. There was reference to preventive action i.e. an externment order which was passed against him in the year 2019. After reproducing all these materials against the Petitioner, the detaining authority recorded his subjective satisfaction that the Petitioner was a dangerous person within the meaning of Section 2(b-1) of the M.P.D.A.

Act. The specific reference was made to C.R. No. 775 of 2023 and the two in-camera statements. Based on these materials and after recording the subjective satisfaction, the detention order was passed.

7. Initially, learned Advocate Shri Bhujbal raised the ground that the Petitioner was not served with the relevant documents in respect of the materials mentioned in the grounds of the detention.

8. The learned APP tendered affidavit of the Respondent No. 2-the detaining authority and also of the Senior Police Inspector of Walchand Nagar Police Station. In those affidavits, it was specifically mentioned that the Petitioner was detained on 15.04.2024. He was in lock up of Walchand Nagar Police Station prior sending him to Yerwada Central Prison, Pune. While in the lockup, the authorities of the Walchand Nagar Police Station, at that time, had tried to serve the documents on the detainee, but he refused to accept the documents and refused to sign those documents. He signed the statement mentioning that he had received a copy of the detention order, and he had signed on that order copy, but he had not signed on other documents. As those documents were not acceptable to him, he did not take those documents. He wanted to challenge the detention order. A copy of his statement dated 16.04.2024 is annexed to the affidavit of the detaining authority. Hence, there is no force in the grievance raised by learned Advocate Shri Bhujbal on behalf

of the Petitioner that the documents pertaining to the grounds of the detention were not handed over to the Petitioner.

9. Learned Advocate Shri Bhujbal thereafter submitted that there was delay in passing the detention order. He invited our attention to the ground no. (ii) raised in this petition which is as follows:-

“(ii) The Petitioner says and submits that in this case, it is pertaining to note that the last incident which was considered by the Detaining Authority is dated 21st October 2023. The in-camera statements were recorded by the Sponsoring Authority on 25th February 2024 and 17th March 2024 and thereafter the impugned order was issued against the Detenue.”

He submitted that the detention order was passed on 15.04.2024 and the offence relied on by the detaining authority had taken place on 21.10.2023. He therefore submitted that, there is a long gap between commission of that offence and passing of the detention order. He further submitted that even the in-camera statements pertain to the incidents dated 25.02.2024, December 2023 and 17.03.2024. Therefore, there is delay in passing the detention order from those dates as well.

10. Learned APP on the other hand submitted that in respect of CR No. 775 of 2023, the Petitioner and his associates were absconding. They obtained the anticipatory bail in connection with that offence from the

Sessions Court at Baramati on 22.02.2024. This fact is mentioned in the affidavit filed by the detaining authority. It is further mentioned in the affidavit that during confidential enquiries conducted regarding involvement of the Petitioner in criminal activities, it was revealed that a number of people were victimized at the hands of the Petitioner and therefore, nobody was coming forward to give statement against him. Only after giving certain assurance of safety to them, those two statements of witnesses A and B were recorded. The proposal was prepared on 28.03.2024, and it was submitted to the concerned authority by Assistant Police Inspector Walchand Nagar Police Station, Pune Rural on 05.04.2023. After that it was processed and immediately the detention order was passed on 15.04.2024.

11. We have considered these submissions made by the learned Counsel and learned APP. In-camera statements were recorded on 02.03.2024 and 18.03.2024. Therefore on 18.03.2024, the Police were convinced about continuation of unlawful activities by the Petitioner. After that, the proposal was prepared on 28.03.2024 and within 15 days the detention order was passed. Therefore, in our opinion the authorities have not acted belatedly or lethargically. The activities mentioned in the detention order in the grounds of the detention are taken into account by the detaining authority. The activities continued till March 2024 and it is reflected in-camera statement of the witness B. Within the period of less than one

month the detention order passed. From that point onwards, it cannot be said that there was delay in passing the order and that it was not necessary to pass the detention order at all.

12. In view of above discussions, we do not find any merits in this petition. The petition is accordingly dismissed.

13. The Rule is discharged.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)