

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2389 OF 2025

Shri Akash Ambadas Jadhav,
Age-28 years,
R/o Somjaiwadi, Khopoli,
Tal. Khalapur, Dist. Raigad.

... Petitioner.

V/s.

1. District Magistrate, Raigad.
2. The State of Maharashtra
(Through the Secretary Home
Department (Spl), Mantralaya,
Mumbai.
3. The Superintendent,
Alibag District Prison,
Alibag.

... Respondents.

Ms.Jayshree Tripathi with Ms.Anjali Raut for the Petitioner.
Mr.J.P. Yagnik, A.P.P. for the Respondent- State.

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**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE , JJ.
DATED : 3rd NOVEMBER, 2025.**

JUDGMENT : (Per A.S. Gadkari, J.)

1) The detenu has invoked the writ jurisdiction under Article 226 of the Constitution of India impugning the Detention Order dated 7th February 2025 bearing No.Home/Mag-3/MPDA/Jadhav/5107/2025

passed by Respondent No.1 i.e. District Magistrate, district- Raigad under section 3(2) of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders, Dangerous Persons, Video Pirates, Sand Smugglers and Persons engaged in Black-marketing of Essential Commodities Act, 1981 (for short "MPDA Act") and the Committal Order of even date, thereby directing detention of the Petitioner in the Alibag District Prison, Class-II, Tal-Alibag, District- Raigad.

2) Heard Ms.Tripathi, learned counsel for the Petitioner and Mr.Yagnik, learned A.P.P. for the State. Perused entire record produced before us and the affidavits filed by the Respondent Authorities.

3) Perusal of the record indicates that along with the Order of Detention the Petitioner was served with Grounds of Detention and the documents relied therein. It indicates that, for arriving at the subjective satisfaction that the Petitioner is a Dangerous Person as contemplated under section 2(b-1) of the MPDA Act, the Respondent No.1 has relied upon one crime i.e. C.R.No.268/2024 registered with Khopoli Police Station dated 4th September 2024 under sections 109(1), 115(2), 351(2), 352 of Bharatiya Nyay Sanhita, 2023. The said crime was registered on the basis of information provided by injured witness Mr.Sanjay Baburao Suravse. In the said crime, the Petitioner was arrested on 4th September 2024 and was released on bail on 30th January 2025. It be noted here that

the impugned Detention Order is passed on 7th February 2025. In the entire Grounds of Detention, the Detaining Authority has not made even a passing reference to the fact that, the Petitioner was released on bail on 30th January 2025. There is no reference to the fact that, after the release of the Petitioner from the jail he is likely to indulge in the criminal activities thereby it is necessary to prevent him from acting in any manner prejudicial to the maintenance of the public order to make the Order under section 3(2) of the MPDA Act.

4) That apart, perusal of the record indicates that, in the in-camera statements of witnesses 'A' and 'B', the facts mentioned by Sanjay Suravse in earlier C.R. No.268/2024 are repeated by the said witnesses. In the penultimate paragraph of the said statement general and vague allegations against the Petitioner indulging into anti-social activities tending to commit crime have been mentioned. Both the said statements are silent about the fact that the Petitioner was indulging in any activities thereby acting in any manner prejudicial to the public order or breach of the public order. As noted earlier, both the statements are as vague as possible.

5) It appears to us that the Detaining Authority has not scrutinized the in-camera statements of the said witnesses and has also not verified the contents of the statement of informant in C.R.No.268/2024 with the said in-camera statements. It thus appears to us that the subjective satisfaction

reached by the Detaining Authority while issuing the impugned Detention Order is vitiated due to total non-application of mind. Therefore, the impugned Detention Order deserves to be quashed and set aside.

6) Hence the following order:

a) Detention Order bearing No.Home/ Mag-3/ MPDA/ Jadhav/5107/2025 dated 7th February 2025 is quashed and set aside.

b) Petition is allowed in terms of prayer clause (b).

c) Petitioner be released from Jail forthwith, if not required in any other case/cases, on production of an authenticated copy of this operative part of the Judgment.

d) Rule is made absolute in the aforesaid terms.

7) All the concerned to act on the basis of an authenticated copy of this operative part of the Judgment.

(RANJITSINHA RAJA BHONSALE, J.)

(A. S. GADKARI, J.)