

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

CRIMINAL WRIT PETITION NO. 3542 OF 2025

Balkrishna Lonare

Age : 45 years, Occ.: Nil.

Residing at – Kadak Chowk,

Above Randev Collection,

Lonare Wasti, Dhayari Pune

(At present the Son of Petitioner is
detained in the Nagpur Prison, Nagpur)

... Petitioner

V/s.

1. The State of Maharashtra

(Through the Additional Chief Secretary,
Home Department, having office at
Mantralaya, Mumbai.)

2. Commissioner of Police, Pune

(Having its office at 2, Sadhu Wasvani Road,
Camp, Pune)

3. The Superintendent, Nagpur Central Prison,
(At Nagpur Central Prison)

... Respondents

Mr. Satyavrat Joshi i/by Mr. Priyesh More, Advocate for the Petitioner.
Smt. M. H. Mhatre, Additional Public Prosecutor for the State.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**

RESERVED ON : 7th OCTOBER 2025

PRONOUNCED ON : 15th OCTOBER 2025

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JUDGMENT [Per : RANJITSINHA RAJA BHONSALE, J] :-

1) Petitioner, the father of Detenu Kartik Balkrushna Lonare, by this

Petition under Article 226 of the Constitution of India, seeks to challenge the Detention Order, bearing No. OW. No./CRIME PCB/DET/NANDED CITY/LONARE/355/2025 dated 22nd April, 2025 (the Detention Order), issued 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 (MPDA Act) and the Order of Committal of even date, thereby detaining the Detenu in Nagpur Prison, Nagpur. The Petitioner being detained seeks a direction for being released and set at liberty.

2) Heard Mr. Satyavrat Joshi, learned Advocate appearing for the Petitioner and Smt. M. H. Mhatre, Additional Public Prosecutor appearing for the Respondents. Perused entire record and the Affidavits in Reply filed by the Respondent Authorities.

3) Learned Advocate for the Petitioner submits that, though in the Petition various grounds have been taken for challenging the Order of Detention, he is restricting his arguments to three main grounds, which are as follows;

i) That, the Detaining Authority to arrive at the subjective satisfaction has recorded in Paragraph No.8 of the grounds of detention that, the bail applications of the Detenu were pending in connection with C. R. No. 53/2025. The Detenu was released on bail on 22nd April 2025 in C. R. No. 45/2025. The Detention Order is also passed on 22nd April 2025, which

indicates that, the Detention Order has been passed with the sole object to frustrate the Detenu's release on bail.

ii) That, in the grounds of detention, the Detaining Authority has stated that, it has only relied upon two crimes i.e. C. R. No.45/2025 registered on 21st March, 2025 and C. R. No. 53/2025 registered on 5th April 2025, as mentioned in Paragraph No.5.1 and 5.2 and two in-camera statements of witness 'A' and 'B' dated 9th April 2025 and 7th April 2025 mentioned in Paragraph No.6.1 and 6.2 of the Petition, for passing the Detention Order. Learned Advocate for the Petitioner submits that, in reality the Detaining Authority has proceeded to also rely on past offences mentioned in Paragraph No.3.1 and also preventive actions as mentioned in Paragraph No.3.2 of the Detention Order.

iii) That, the Detaining Authority has not provided certain documents to the Detenu i.e. Postmortem notes in connection with C. R. No.197/2021, Injury Certificate in connection with C. R. No.205/2024 and Injury Certificate in connection with C. R. No.53/2025. The same affects the Detenu's rights of making a complete and meaningful representation.

4) The first contention of the learned Advocate for the Petitioner is that, the Detention Order dated 22nd April, 2025 has been purposely passed, on the same day as the Order of bail in C. R. No. 45/2025, only with object to ensure that, the Petitioner remained behind bars and therefore, there is no subjective satisfaction of the Detaining Authority. We have, considered the said

contention. The said argument is made, only to be rejected. It would not be appropriate, to conclude, as contended by the Petitioner or even to infer any act of bias or *mala-fide* towards the Detaining Authority. The record indicates that, the Detention order has relied upon two crimes, registered on 21st March, 2025 and 5th April 2025 and two in-camera statements, recorded on 9th April 2025 and 7th April 2025, respectively. The entire process of approval of the Detention Order commenced on 9th April, 2025 i.e when the proposal was submitted to the Assistant Commissioner of Police, and culminated in the Detention Order dated 22nd April, 2025. We are of the opinion that, the Detention Order and the order of bail being of the same date i.e 22nd April, 2025 could be a mere coincidence and nothing more. To attribute any sort of intention to the Detaining Authority i.e to frustrate the Detenu's release, one would have to come to the conclusion that, the Sponsoring Authority and Detaining Authority have both worked with immaculate precision, which cannot be the case. On perusal of the record, we note that, the Authorities have infact acted in a prompt and swift manner, complied with the provisions of MPDA Act and acted diligently and efficiently. To our mind, the said argument is totally untenable and unfounded. There is no basis to entertain such a contention.

5) The second ground raised by the Petitioner is that, the Detaining Authority, in the first instance after stating that, the past offences mentioned in Paragraph No.3.1 and preventive actions mentioned in Paragraph No.3.2

are only referred to show the Detenu's desperate tendencies to commit violent crimes, has proceeded to also rely upon the said past offences and preventive actions. We find no merit in this contention. A bare perusal of the grounds of the detention, clearly indicate that, the past offences and preventive actions, mentioned in Paragraph No.3.1 and No.3.2 respectively, have only been referred to show that, the previous preventive actions have had no deterrent effect on the Detenu. That, the same are in fact insufficient to curtail the Detenu's dangerous activities, which continued to show an ascending trend. A perusal of Paragraph No.8 of the grounds of the detention, clearly indicate that, the Detaining Authority has only relied upon the material mentioned in Paragraphs No.5.1 and 5.2 i.e. two crimes, C. R. No.45/2025 and 53/2025 and Paragraphs No.6.1 and 6.2 i.e. two in-camera statements as mentioned in the grounds of detention, to arrive at its subjective satisfaction that, Detenu is a "Dangerous Person" as defined under Section 2(b-1) of the MPDA Act and that the Detenu's criminal activities are prejudicial to maintenance of public order. We find that, the past offences and preventive actions are only referred to and nothing more than it.

6) The third ground raised by the Petitioner is that, certain documents were not provided to the Petitioner. We note that, the said documents pertain to offences mentioned in Paragraph No.3.1 of the grounds of detention i.e. the past offences, which the Detaining Authority has not relied upon. As regards the contention that, injury certificate in respect of C.

R. No. 53/2025 was not provided, we note that, the Respondent No.2 in his Affidavit-in Reply dated 25th August 2025, whilst dealing with the said ground has specifically stated that, no person was injured in the said incident and therefore, the question of providing an injury certificates did not arise. On perusal of the Affidavit, we find that, the Detaining Authority has dealt with the said grounds on taking overall view of the matter. In the facts and circumstances of the present case, we are of the opinion that, it was not necessary for the Detaining Authority to provide the said documents to the Detenu as the same do not affect his right of filing an effective representation nor does the detenu's right to make an effective representation got impaired in any manner. There is no prejudice to the Detenu. We are in agreement with explanation of the Detaining Authority.

7) In view of the aforesaid discussion, we are of the considered opinion that, the Detaining Authority has complied with the provisions of the MPDA Act, so also, the necessary procedure. We find that, there is enough material on record for the Detaining Authority to come to the "subjective satisfaction" as required in the said Act. In view thereof, we find no reason to interfere the Detention Order.

8.1) The Criminal Writ Petition No.3542 of 2025 stands dismissed.

8.2) Rule is discharged.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)