



21-2025

1

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 421 OF 2025

(Shamrao s/o Shriram Zade Vs. State of Maharashtra & Ors.)

WITH CRIMINAL WRIT PETITION NO. 817 OF 2025

(Rakesh s/o Munna Pande Vs. State of Maharashtra & Ors.)

WITH CRIMINAL WRIT PETITION NO. 782 OF 2025

(Manish @ Nitin Arun Borkar Vs. State of Maharashtra & Anr.)

WITH CRIMINAL WRIT PETITION NO. 776 OF 2025

(Satish s/o Krishnarao Gaidhane Vs. State of Maharashtra & Ors.)

WITH CRIMINAL WRIT PETITION NO. 754 OF 2025

(Satish @ Pavan Rajdhar Suradkar Vs. State of Maharashtra & Anr.)

WITH CRIMINAL WRIT PETITION NO. 723 OF 2025

(Shri Ramesh Harichandra Meshram Vs. State of Maharashtra & Ors.)

WITH CRIMINAL WRIT PETITION NO. 702 OF 2025

(Sahebrao Alias Nitin Vishram Alias Ishram Pawar Vs. State of Maharashtra & Ors.)

WITH CRIMINAL WRIT PETITION NO. 686 OF 2025

(Anjana @ Anju w/o Pramod Waghmare Vs. State of Maharashtra & Ors.)

WITH CRIMINAL WRIT PETITION NO. 596 OF 2025

(Dilip Gopichand Chavan Vs. State of Maharashtra & Anr.)

WITH CRIMINAL WRIT PETITION NO. 488 OF 2025

(Vishal @ Falli s/o Prithvilal Gupta Vs. State of Maharashtra & Ors.)

WITH CRIMINAL WRIT PETITION NO. 410 OF 2025

(Rahul s/o Bhajandas Gedam Vs. State of Maharashtra & Ors.)

WITH CRIMINAL WRIT PETITION NO. 565 OF 2024

(Rahul Mohan Randhve Vs. State of Maharashtra & Ors.)

WITH CRIMINAL WRIT PETITION NO. 458 OF 2024

(Mohammad Riyaz Shaikh Hasan Vs. State of Maharashtra & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

WP 421/2025

Mr. N.R. Tekade, Counsel for the petitioner.

Mr. I.J. Damle, A.P.P. for the State.

WP 817/2025

Mr. A.M. Jaltare, Counsel for the petitioner.

Ms R.V. Sharma, A.P.P. for the State.

WP 782/2025

Mr. V.R. Deshpande, Counsel for the petitioner.

Mr. A.B. Badar, A.P.P. for the State.

WP 776/2025

Mr. V.S. Mishra, Counsel for the petitioner.

Mr. S.S. Doifode, A.P.P. for the State.

WP 754/2025

Mr. M.N. Ali, Counsel for the petitioner.

Mr. K.R. Lule, A.P.P for the State.

WP 723/2025

Mr. R.G. Waghmare, Counsel for the petitioner.

Mr. S.S. Doifode, A.P.P for the State.

WP 702/2025

Mr. C.S. Dongare, Counsel for the petitioner.

Mr. S.S. Doifode, A.P.P for the State.

WP 686/2025

Mr. M.V. Rai, Counsel for the petitioner.

Mr. K.R. Lule, A.P.P for the State.

WP 596/2025

Mr. J.D. Bastian, Counsel for the petitioner.

Mr. S.S. Doifode, A.P.P for the State.

WP 488/2025

Mr. Uday Dable, Counsel for the petitioner.

Mr. I.J. Damle, A.P.P for the State.

WP 410/2025

Mr. N.R. Tekade, Counsel for the petitioner.

Mr. I.J. Damle, A.P.P for the State.

WP 565/2024

Mr. Faisal S. Khan, Counsel for the petitioner.

Mr. S.S. Doifode, A.P.P for the State.

WP 458/2024

Mr. A.J. Nagbhirey, Counsel for the petitioner.

Mr. S.S. Doifode, A.P.P for the State.

.....

**CORAM : ANIL L. PANSARE AND
Y.G. KHOBRADE, JJ.**

ARGUMENTS WERE HEARD ON : OCTOBER 14, 2025

ORDER IS PRONOUNCED ON : OCTOBER 16, 2025

Heard.

2] In an identical set of facts presented before this Court in the case of *Akshay Bhaskar Sahare Vs. State of Maharashtra & Anr. [Writ Petition No. 223/2025]* with connected petitions, this Court (Coram : Anil L. Pansare and Siddheshwar S. Thombre, JJ.), after going through the orders passed under Sections 3(2), 3(3) and 12 of the Maharashtra Prevention of Dangerous Activities Act, 1981 (for short “MPDA Act”), in each case, found that the State

Government has exercised these powers without providing sufficient reasons, wherein, circumstances prevailing in entire State of Maharashtra were treated identical. The Court took a view that such approach depict lack of application of mind resulting into violation of right to personal liberty guaranteed under Article 21 of the Constitution of India. The Court further held that detention order under Section 3(2) of the MPDA Act and the subsequent approval under Section 3(3) were not properly grounded and that power to issue order of conferment, which is vested with the State Government, only comes into play for a defined area and period and only if circumstances prevailing or likely to prevail are such that detention of a person would be justified. The Court also opined that such an order, if is to be made, it must be made while explicitly describing specific circumstances prevailing or likely to prevail during the time period, which should be tied to those circumstances.

3] With regard to approval orders, the Court noted that they were passed without recording grounds or reasoning and were issued by an official below the required rank. The confirmation orders, passed under Section 12 of the MPDA Act, were also passed as routine and were non-reasoned determinations that did not show why detention needed to continue for twelve months. The process, by which Section 12 confirmation was conveyed to the detenu, was also found improper. The Court also explained the vitality of the Advisory Board as a constitutional safeguard and noted that in these cases, the Board's role did not rectify the procedural deficiencies at

other stages. The Court also held that once order of conferment of powers under Section 3 by the State Government to its officers is found to be illegal, the order of detention would be *void ab initio*.

4] That being so, we need not go through the orders of detention in each case presented before us to render a finding on merit. It is a different matter that on merit as well, the issue of public order, as defined under Section 2(a) of the MPDA Act, is not taken into consideration while passing detention order, in the cases under question. The orders of approval are also passed in a mechanical manner. Similar is the status of orders that are passed under Section 12, most importantly, orders under Section 12, conveyed to the petitioners, are passed by Section Officer and not by competent authority.

5] That being so, and since the issue involved is covered, for the reasons set out in order dated 30/9/2025 passed by this Court in Writ Petition No. 223/2025 with connected petitions, we allow the petitions. The orders of detention under Section 3(2), as also, the orders of confirmation under Section 12 of the MPDA Act passed by the respondents, stands quashed and set aside. The petitioners shall be released forthwith, if not required in any other case.

(JUDGE)

(JUDGE)

Sumit