



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.788/2024

Lukesh @ Lukka Sanjay Jodh,
Aged about 26 years, Occupation:
Business, R/o. Ambedkar Ward,
Ganeshpur, Bhandara, District
Bhandara (In jail)

... Petitioner

- Versus -

1. The State of Maharashtra,
through its Secretary, Home Department
(Special), Government of Maharashtra,
Ministry, Mumbai- 400 032
(Maharashtra).

2. District Magistrate/ Collector,
Bhandara, Office of Collector,
Bhandara, Tq. and District
Bhandara.

... Respondents

Mr. A.M. Chandekar, Advocate for the petitioner.
Mr. S.S. Doifode, A.P.P. for respondents Nos.1 and 2.

CORAM: NITIN W. SAMBRE & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 12.3.2025.

ORAL JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Rule. Rule made returnable forthwith. Heard finally by consent of learned Advocates for the parties.

2. In the present matter, the petitioner is seeking to quash and set aside the impugned order of detention passed by respondent No.2-Collector, Bhandara dated 8.8.2024 in exercise of powers under Section 3(1) of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-Offenders, Dangerous Persons, Video Pirates, Sand Smugglers and Person Engaged in Black Marketing of Essential Commodities Act, 1981, ('M.P.D.A. Act' for short) tagging him as a 'dangerous person' as per the said Act.

3. Perusal of the order of detention reveals that the same is based on two offences charged against the petitioner (a) Crime No.565/2023 registered on 22.8.2023 at Police Station, Bhandara for the offence punishable under Sections 302, 143, 146, 147, 148, 149 and 294 of the Indian Penal Code read with

Sections 4/25 of the Arms Act and Sections 3(2)(V), 3(2)(va) and 3(1)(R) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and (b) Crime No.573/2024 registered on 13.6.2024 for the offence punishable under Sections 307, 143, 146, 147, 148, 384, 504 and 506 of the Indian Penal Code. In both the offences, the detenu has been released on bail. The petitioner submitted representation before the Advisory Board on 4.9.2024.

4. Some of the grounds raised by the petitioner to challenge the impugned detention order are as under:-

(a) The orders granting bail to the petitioner being vital documents were not taken into consideration by the detaining authority.

(b) That the statements of the in-camera witnesses speak about the incidents dated 12.6.2024 and first week of June 2024 whereas the detention order has been passed on 8.8.2024.

Therefore, there is no nexus between the recording of confidential statements and passing of the impugned detention order.

5. Learned Advocate for the petitioner Mr. Chandekar submitted that since the first crime i.e. Crime No.565/2023 is *sub judice* before the concerned Court and another crime i.e. Crime No.573/2024 is under police investigation, at this stage, it cannot be said that the petitioner was involved in dangerous activities under Section 3(1) of the M.P.D.A. Act. He further argued that the in-camera statements of witnesses “A” and “B” nowhere refer to any member of the public who experienced a sense of panic or that it affected or disrupted the tempo of regular life of the people. Further verification of those statements were not done at the time of sending proposal to arrive at subjective satisfaction as required under Section 3 of the M.P.D.A Act.

6. Learned A.P.P. has submitted that the order impugned is rightly passed by the detaining authority considering

the continuous criminal activities of the petitioner and the material placed against the petitioner before the detaining authority. He has prayed to dismiss the writ petition.

7. Heard learned Advocate for the petitioner and learned A.P.P. for respondent Nos.1 and 2.

8. Learned Advocate for the petitioner has brought to our notice that co-accused Chirag Gajbhiye was detained by the authority considering the same offences i.e. Crime Nos.565/2023 and 573/2024 and the same confidential statements which are considered for passing the detention order of this petitioner. The co-accused Chirag Gajbhiye had challenged the detention order before this Court by way of Criminal Writ Petition No.814/2024 and on 12.2.2025 this Court has set aside the order passed by the detaining authority against the said petitioner i.e. co-accused Chirag Gajbhiye.

9. On the basis of the same crimes and same confidential statements, which are not even verified by the person who has recorded it, the detention order came to be passed. As on the basis of same crimes and same confidential statements the order passed by the detaining authority against the co-accused Chirag Gajbhiye is set aside, we are satisfied that the order passed by the detaining authority against the present petitioner is without subjective satisfaction and without considering the bail orders passed in one of the crimes. Considering the observations made in Criminal Writ Petition No.814/2024 the writ petition stands allowed. The order passed by the detaining authority is set aside. The petitioner be set at liberty forthwith, if not required in any other crime.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)