



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1182 OF 2025

Parshuram @ Purushottam Raghuvir
Pardeshi, Age : 45 Years, Occ. Labour,
R/o. West Hudco, 100 feet Road,
Dhule.

.. Petitioner

VERSUS

1. The District Magistrate, Dhule
District Dhule.

2. The State of Maharashtra,
Through the Additional Chief
Secretary, Govt of Maharashtra,
Home Department, Mantralaya,
Mumbai- 32.

3. The Jail Superintendent,
Central Prison, Nashik.

..Respondents

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Advocate for the petitioner : Mr. Chaitanya C. Deshpande
A.P.P. for Respondent Nos. 1 to 3 : Mr. P. S. Patil

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**CORAM : SANDIPKUMAR C. MORE AND
Y.G. KHOBRAGADE, JJ.**

**RESERVED ON : NOVEMBER 10, 2025
PRONOUNCED ON : JANUARY 22, 2026**

JUDGMENT (PER SANDIPKUMAR C. MORE) :-

1. Heard learned counsel Mr. Chaitnya Deshpande for the
petitioner and learned Mr. P.S. Patil for respondents/State.

2. Rule. Rule made returnable forthwith. Heard finally with
consent of the rival parties.

3. The petitioner has challenged the order of detention dated 22.07.2025, bearing No. DANDAPRA/KAVI/MPDA/05/2025, passed by respondent No.1, the State Government Approved the order of detention on 01.08.2025 and confirmed by Respondent No.2 by the order dated 17.09.2025 vide MPDA-0725/CR-419/SPL-33, by invoking the power of this Court under Article 226 of the Constitution of India.

4. The learned counsel for the petitioner submits that, the detaining authority has relied upon the following offences for passing the impugned order.

Sr. No	Police Station	C.R. No.	Sections	Date of registration of offence	Court Case No.	Status
01.	Azadnagar	22/2015	IPC 353,307,143, 147,148,149, 186,189,294, 332,436,504, 506,511 Mumbai Gambling Act Sec 4/5	01/02/2015	Session Case No. 73/2015	Court Pending
02.	Chalisgaonroad	156/2018	IPC353,337,332,427,143,147,148,149,323, 504, 506, 188 read with Criminal Law Amendment Act Sec. 7 read with Maharashtra Police Act Sec. 37(1)(3)/135	11/12/2018	Session Case No. 77/2020	Court Pending
03.	Chalisgaonroad	11/2024	IPC Sec. 395,341,323, 504, 506, 141,143,147,	11/01/2024	RCC No. 167/2025	Court Pending

			148,149,427 read with Arms Act Sec. 4/25 & Maharashtra Police Act Sec. 37(1) (3)/135			
04.	Mohadinagar	06/2024	IPC Sec.307,504, 506, 34 read with Arms Act Sec. 3/25	12/01/2024	Police Investigation	Police Investigation
05.	Azadnagar	51/2024	IPC Sec. 307,324,504, 506, 143, 144,147,148, 149 read with Arms Act Sec.4/25 & Maharashtra Police Act Sec. 37(1) (3)/135	15/02/2024	RCC No. 309/2024	Court Pending

Offense Registered Within Last 06 Months

6)	Chalisgaon road	138/2025	IPC Sec. 74,76,310(2), 189(2), 191(2),352, 351(2),3(5)	01/07/2025	Police Investigation	Police Investigation
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Further, the detaining authority also relied on the prevention action taken against the petitioner as follows :-

Sr. No.	Police Station	Chapter Case No.	Date	Section	Court	Status
1)	Chalisgaon road	30/2023	11.09.2023	Cr.P.C. 110	Local Crime Branch, Dhule	Concluded

5. The learned counsel for the petitioner further submits that, the detaining authority has considered all the aforesaid offences to declare

the petitioner as dangerous person. However, there is absolutely no live link in respect of first five offences. According to him, though the petitioner is released on bail in those offences, which are pending either for trial or for investigation, but the detaining authority did not consider this fact in the impugned order. Further, the aforesaid offences can be considered as individual in nature and no breach of public order appears to be there. According to him, only the last offence appears to be in-proximity of the detention order, but in that offence also role of present petitioner is not that much serious, because main accused in the same is different, who had in fact outraged the modesty of the informant. He pointed out that, the statements of secret witnesses are stereotype and on perusal of the same, there was no danger to the public at large. At the most, it can be said that the question of law and order would arise in those incidents. According to him, those statements were not even verified by the detaining authority. Accordingly, he prayed for the relief as mentioned above. The learned counsel for the petitioner in addition to submissions also placed reliance on the following judgments :-

- (i) ***Nenvath Bujji Vs. State of Telangana [2024 SCC Online SC 367]***
- (ii) ***Kanu Biswas Vs. State of West Bengal [1972(3) SCC 831]***
- (iii) ***Mustakmiya Jabbarmiya Shaikh Vs. M.M. Mehta [1995(3) SCC 237]***
- (iv) ***Pushkar Mukharjee Vs. State of West Bengal [AIR 1970 SC***

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- (v) ***Phulwari Jagdambaprasad Pathak Vs. R.H. Mendonca***
[2000(6) SCC 751]
- (vi) ***Smt. Hemlata Kantilal Shah Vs. State of Maharashtra***
1981 (4) SCC 647
- (vii) ***Ram Manohar Lohia Vs. State of Bihar*** [1966(1) SCR 709
- (viii) ***Joyi Kitty Joseph Vs. Union of India SLP (Cri)16893/2024***
- (iv) ***Ameena Begum Vs. State of Telangana*** [2023(9) SCC 587]
- (x) ***Dhanya M. Vs. State of Kerala*** [SLP (Cri) 14740/2024
- (xi) ***Sk. Nazneen Vs. State of Telangana*** [2011(2) Supreme
575]
- (xii) ***Rekha Vs. State of Tamil Nadu*** [2011(2) Supreme 575]
- (xiii) ***Sattar Masoom Pinjari @ Sattar Mental Vs. District Magistrate,***
Dhule [Criminal Writ Petitiion 865/2025 (Aurangabad Bench)
- (xiv) ***Goal Kailas Pange Vs. District Magistrate, Dhule***
[Criminal Writ Petition No. 35/2025 Aurangabad Bench]

6. Per contra, the learned A.PP strongly opposed the submissions made on behalf of the petitioner and submitted that the petitioner is a dangerous person as per the definition of Section 2 (b-1) of the 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 (hereinafter referred to as “M.PD.A” Act). He pointed out that, the detaining authority has given proper reasons as to why the petitioner needs to be detained. With these submissions, he prayed for dismissal of the petition. He also relied on following

judgments :-

- (i) ***Ankush Vaman Pawar Vs. Commissioner of Police, Pune and Others [2018 SCC OnLine Bom 1503:(2018) 3 AIR Bom R (Cri) 843 (2018) 3 Bom CR (Cri) 706]***

7. Admittedly, the Hon'ble Apex Court in the case of ***Nenvath Bujji*** (supra) has reiterated that illegal detention order cannot be sustained and therefore, strict compliance of the provisions is required to be made, since it relates to the question of liberty of citizen. Further, it is clear apparent material on record that there was no live link between first five offences, which were considered for passing the detention order. The fact that petitioner is released on bail in those offences, is not reflected in the detention order. It is specifically held in the case of ***Joyi Kitty Joseph Vs. Union of India*** (supra) that preventive detention cannot be used to by-pass the judicial bail process. Even in the judgment of ***Ameen Begum Vs. State of Telangana*** (supra) the Hon'ble Apex Court has explained the distinction between threat "to law and order" and acts "prejudicial to public order". On this back ground if the nature of act committed by the petitioner is examined, then it appears that it had not created deterrence to the public order and when the bail is granted by the jurisdictional Court on certain conditions, then the detaining authority should have examined whether they were sufficient to curb the evil of further indulgence in the identical activities. In the instant matter, the detention order is

silent on this aspect.

8. In the instant case, what is revealed that there is no live link between the detention order and first five offences allegedly committed by the petitioner in the period ranging from 2015 to 2024. What is material is that, in the recent offence allegedly committed by the petitioner there are other accused also. Further, the main act of outraging of modesty appears to be committed by some other accused and not by the present petitioner. Further, on going through the statements of secret witnesses, it is evident that they are not even verified by the detaining authority, which shows the non-application of mind on the part of detaining authority while passing the detention order.

9. Thus, considering all these aspects and the observations of Hon'ble Apex Court, it reveals that there was no live link between the first five offences and the detention order. Moreover, the impugned order of detention appears to be passed without subjective satisfaction and the offence allegedly committed by the petitioner are not against the public order, but appears to be against individual. Even the statement recorded of secret witnesses indicates that it was act committed against the individuals for which at the most question of law and order would arise. Though, the Advisory Board approved the detention order of the petitioner, but still we are of the opinion that

there is no material on record to categorize the petitioner as a dangerous person as contemplated in Section 2(b-1) of The M.P.D.A. Act, 1981.

10. In view of the aforesaid reasons, the petition deserves to be allowed and therefore, we pass the following order :-

ORDER

- (i) The Writ Petition stands allowed.
- (ii) The detention order dated 22.07.2025, bearing No. Dandapra/Kavi/MPDA/05/2025, passed by respondent No.1 as well as the approval order dated 01.08.2025 and the confirmation order dated 17/09/2025 passed by respondent No.2, are hereby quashed and set aside.
- (iii) Petitioner- Parshuram @ Purushottam Raghuvir Pradeshi shall be released forthwith, if not required in any other offence.
- (iv) Rule is made absolute in the above terms.

(Y.G. KHOBRADE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

YSK/