



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1285 OF 2025

Rutik @ Nikki Amariksing Panjabi,
Age : 25 Years, Occ. Labour,
R/o. Kolawade nagar, Tq. Dhule,
District Dhule.

..PETITIONER

VERSUS

1. District Magistrate, Dhule
2. The State of Maharashtra
Through the Additional Chief Secretary,
Government of Maharashtra, Home
Department, Mantralaya, Mumbai-32.
3. The Jail Superintendent,
Central Prison, Nashik.

..RESPONDENTS

...
Advocate for the Petitioner : Mr. Chaitanya C. Deshpande
A.P.P. for Respondent Nos. 1 to 3/State : Mr. M.A. Aher
...

**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

RESERVED ON : JANUARY 09, 2026

PRONOUNCED ON: FEBRUARY 12, 2026

JUDGMENT (PER SANDIPKUMAR C. MORE) :-

1. Rule. Rule made returnable forthwith. Heard finally with
consent of the learned counsel for the petitioner and learned
A.P.P.

2. The petitioner has challenged the order of detention dated 24.06.2025 bearing No. DANDAPRA/KAVI/MPDA/03/2025 passed by respondent No.1/The District Magistrate, Dhule in exercise of powers under Section 3(2) of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-Offenders, Dangerous Persons, Video Priates, Sand Smugglers and Persons Engaged in Black Marketing of Essential Commodities Act, 1981 (hereinafter referred to as “MPDA Act”) as well as the approval order of the State Government dated 03.07.2025 and the confirmation order dated 05.08.2025 passed by respondent No.3, by invoking the power of this Court under Article 226 of the Constitution of India.

3. The learned counsel for the petitioner submits that, the following offences are registered against the petitioner and two preventive actions are also taken against the petitioner.

Sr. No.	Police Station	C.R. No. & Under Section	Date of Registration	Present status
1.	Deopur	131/2019 u/s 392, 34 of IPC	28.11.2019	Pending trial
2.	Mohadinagar	111/2020 u/s 457, 380, 34 of IPC	01.12.2020	Pending trial
3.	Deopur	06/2022 u/s 392 of IPC	07.01.2020	Pending trial
4.	Azadnagar	08/2022 u/s 392, 34 of IPC	10.01.2022	Pending trial
5.	Mohadinagar	08/2022 u/s 392 of IPC	12.01.2022	Pending trial
6.	Mohadinagar	130/2022 u/s 379 of IPC	16.05.2022	Pending trial

7.	Dhule City	683/2022 u/s 457, 380 of IPC	22.11.2022	Pending trial
8.	Dhule City	426/2023 u/s 379, 34 of IPC	01.11.2023	Pending trial
9.	Dhule City	296/2024 u/s 379, 411, 414, 34 of IPC	25.06.2024	Pending trial
10.	Mohadinagar	04/2025 u/s 309(4), 309(6), 311, 126(2), 3(5) of BNS, 2023	09.01.2025	Pending trial

Non-cognizable cases

Sr. No.	Police Station	N.C.R. No. & Under Section	Date of Registration	Present status
01.	Dhule City	649/2024 u/s 352, 351(2)(3) of BNS	29.12.2024	Intimation was given to the complainant to approach the concerned Court

Preventive Action

Sr. No.	Police Station	Chapter Case No.	Date of Registration	Disposal
01.	Mohadinagar	01/2021 u/s 110 of Cr.P.C.	05.01.2021	Period is over
02.	Dhule City	02/2024 u/s 110(e)(g) of Cr. P.C	05/02/2024	Closed

However, the detaining authority has considered mainly only one offence i.e. C.R. No. 4 of 2025 under Sections 309 (4), 309(6), 311. 126(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, “B.N.S.”) registered with Mohadinagar Police Station on 09.01.2025 to declare the petitioner as a “Dangerous Person”. According to him, there is no live link in the

impugned order of detention and the earlier nine crimes registered during the period from 2019 to 2024 against the petitioner. According to him, the petitioner has also been released on bail in the said crime on 14.05.2025, but nothing is mentioned in the detention order about he being released on bail. Thus, there is no application of mind in passing the impugned order. He further submitted that, there is delay in passing the detention order of about six months and the nature of criminal act as alleged is not against public order, but it is individual in nature. Further, according to him, the statements of secret witnesses are stereotype in nature and the same can give rise to disturbance of law and order and not deterrence to the public order. Thus, he prayed for setting-aside the impugned order of detention. The learned counsel for the petitioner, in addition to submissions, also placed reliance on the judgment delivered by Division Bench of this Court in the case of ***Ibbu Kashim @ Kasim Nuriwale Vs. The State of Maharashtra and others*** in ***Criminal Writ Petition No.319 of 2025 dated 24.11.2025***

4. Per contra, the learned A.P.P. strongly opposed the submissions made on behalf of the petitioner by filing affidavit-in-reply of respondent No.1. According to him, the petitioner is

definitely a “Dangerous Person” within the meaning of Section 2(b-1) of the M.P.D.A. Act. He pointed out that the letter issued to the detainee contains reasons for his detentions and due to his fear, the public at large is facing difficulty. According to him, the incidents in respect of secret witnesses had in fact taken place in public place, which is definitely indicative of breach of public order. He submitted that the impugned order has been passed after subjective satisfaction and accordingly approval is also there. Thus, he prayed for dismissal of the petition. The learned Additional Public Prosecutor, in addition to submissions, also placed reliance on the following judgments:-

- (i) ***Phulwari Jagdambaprasad Pathak Vs. R.H. Mendonca and others [(2000) 6 Supreme Court Cases 751]***
- (ii) ***Iqbal Munnaf Sayyed vs Commissioner of Police, Pune and others [2017 (3) ABR (Cri) 923]***

5. Admittedly, only one offence of Mohadinagar Police Station has been considered for passing the detention order of the petitioner, wherein it is alleged that the petitioner along with other accused threatened the informant and took away cash amount of Rs. 13,50,200/- from him by using deadly weapon. However, there were also other accused involved in this crime, but nothing is there on record to show that any

similar action as that of the present petitioner, had been taken against that another accused. Such pick and choose method is not permissible. Moreover, the alleged criminal act appears to be of individual nature and for that purpose crime is already registered. It is significant to note that the petitioner has already been released on bail on 14.05.2025 by the concerned Court under certain conditions. However, the detaining authority did not bother to go through the conditions of bail and did not take any effort for filing the application for cancellation of bail.

6. In the case of **Joyi kitty Josef Vs. Union of India & Others** reported in **2025 AIR (SC) 1702** the Hon'ble Apex Court has already held that, when a bail is granted with conditions to the detainee, then the detaining authority must apply its mind to those conditions and record its subjective satisfaction as to why they are insufficient to prevent prejudicial activities. No such application of mind or subjective satisfaction is apparent from the impugned order. Failure to consider the bail conditions definitely indicates that the same were sufficient dealt with the criminal act of the petitioner.

7. Further, it is evident that though there were ten crimes mentioned in the detention order, but the first nine crimes were in fact committed during the period from 2019 to 2024, wherein the petitioner is already on bail. Thus, considering the period of aforesaid crimes, there is absolutely no proximate connection between those crimes and the detention order. As such, live link is also missing in this case.

8. So far as statements of secret witnesses are concerned, it is in respect of snatching of certain amount from those witnesses by the petitioner. However, those incidents had taken long back i.e. on 1.1.2025 and 25.12.2024. Moreover, the same were of individualistic in nature, for which, at the most, law and order situation may arise. It cannot be said that those incidents are sufficient to hold that due to criminal activities of the petitioner, there is breach of public order. In the case of ***Dr. Ram Manohar Lohia Vs. State of Bihar, (AIR 1966 SC 740)*** the Hon'ble Apex Court has differentiated breach of law and order and breach of public order. Breach of public order involves disturbance affecting the even tempo of life of community, whereas law and order involves individual crimes, not disrupting the broader public tranquility. In the instant matter, it appears that the criminal activities of the

petitioner are against individuals, but not in deterrence to the public order. Therefore, for that reason also, the detention order appears to be without application of mind.

9. Though the learned A.P.P. relied on the judgments (supra), but much water has flown thereafter and considering the fact that the preventive detention is not to punish for the past acts, but to prevent further conduct, it must be supported by cogent, proximate and relevant material and when such material is absent, the very foundation of the order falls. In the instant case, as discussed above, there is no sufficient material on record to categorize the petitioner as “Dangerous Person” within the meaning of provisions of the M.P.D.A Act, 1981, and therefore, even though the Advisory Board has confirmed the order, but in the light of the aforesaid discussion, we do not find impugned order and its confirmation, as sustainable. In the result, we pass the following order.

ORDER

- (i) The Writ Petition stands allowed.
- (ii) The detention order dated 24.06.2025, bearing No.DANDAPRA/KAVI/MPDA/03/2025 passed by respondent No.1 The District Magistrate Dhule, under Section 3(2) of the M.P.D.A. Act,

1981 as well as the approval order of the State Government dated 03.07.2025 and the confirmation order dated 05.08.2025 passed by respondent No.2, are hereby quashed and set aside.

- (iii) Petitioner- Rutik @ Nikki Amariksing Panjabi shall be released forthwith, if no required in any other offence.
- (iv) Rule is made absolute in aforesaid terms.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

YSK/