



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

CRIMINAL WRIT PETITION NO. 1483 OF 2025

Sachin @ Tichuklya Kailas Chaudhari,
Age : Years, Occ. Labour,
R/o. Ganesh Wadi, Near Tukaram Wadi,
Jalgaon,, Tq. & Dist. Jalgaon .. Petitioner

VERSUS

1. The State of Maharashtra,
Through Deputy Secretary,
Home Department (Special),
Mantralaya, Mumbai
2. The State of Maharashtra,
Through : District Magistrate,
Jalgaon
3. The State of Maharashtra,
Through : Superintendent,
Central Prison, Nagpur. ..Respondents

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Advocate for the petitioner : Mr. Harshal P. Randhir
A.P.P. for Respondent Nos. 1 to 3 : Mr. N. B. Patil

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

**RESERVED ON : 09/04/2026
PRONOUNCED ON : 09/06/2026**

ORDER : (PER : SANDIPKUMAR C. MORE, J.) :-

1. Heard learned counsel Mr. Harshal P. Randhir for the petitioner
and learned APP Mr. N. B. 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 30.06.2025, bearing No. DANDAPRA/KAVI/MPDA/01/2025, passed by respondent No.2 as well as the approval order dated 09.07.2025 and confirmation order passed by Respondent No.1 dated 29.08.2025 vide MPDA-0725/CR-339/SPL-33B, 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 registered with Jilha Peth Police Station and MIDC Police Station, Jalgaon for passing the impugned order.

Sr. No.	Police Station	C.R. No.	Sections	Date of registration of offence	Status
1.	Jilha Peth	134/19	379 r.w. 34 of IPC	23/07/2019	Court Pending
2.	MIDC	348/19	337, 324, 323, 427, r.w. 34 of IPC	25/04/2019	Court Pending
3.	MIDC	464/20	326, 323, 504, 506 r.w. 34 of IPC	16/04/2020	Court Pending
4.	MIDC	1254/20	324, 504, 506 r.w. 34 of IPC	21/12/2020	Court Pending
5.	MIDC	455/21	324, 323, 504,506 r.w. 34 of IPC	01/07/2021	Court Pending
6.	Jilha Peth	224/22	302, 307, 147, 148, 149, 201, 323, 504,506 of IPC r.w. Section	18/03/2022	Court Pending

			4/25 of Arms Act r.w. Section 37 (1) (3) for Breach of Section 135 of Maharashtra Police Act		
7.	MIDC	224/24	452, 143, 144, 147, 148, 149, 427, 504, 506, 195(A) of IPC	07/04/2024	Court Pending
8.	MIDC	287/24	4/25 of Arms Act r.w. Section 142, 37(1)(3) for breach of Section 135 of Maharashtra Police Act	29/04/2024	Court Pending
9.	Jilha Peth	30/2025	310(2), 189(2), 191 (1)(2), 308(2), 115, 324(2), 111 of BNS, 2023 r.w. Section 142 of Maharashtra Police Act	07/02/2025	Court Pending

Further, the detaining authority also relied on the prevention action taken against the petitioner by MIDC Police Station, Jalgaon as follows :-

Sr. No.	Police Station	Chapter Case No.	Date	Under Section	Status
1.	MIDC	27/21	11/6/2021	110 (e)(g) of Cr.P.C.	Obtained interim bond
2.	MIDC	02/21	17/3/2022	55 of Maharashtra Police Act	As per order of Police Superintendent,

					Jalgaon bearing No.1400/L CB/Extermment order / 2022 dated 17/03/2022 2 externed from Jalgaon district for a period of two years
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5. The learned counsel for the petitioner further submits that, the detaining authority has considered mainly the following recent offence registered with Jilha Peth Police station, Jalgaon to declare the petitioner as dangerous person.

Sr. No.	Police Station	Crime No.	Under Sections	Date of registration of crime	Date of arrest	Date of bail	Court case No.	Present Status
1.	Jilha Peth	30/25	310(2), 189(2), 191(1)(2), 308,(2), 115, 324(2), 111 of BNS, 2023 r.w. Section 142 of Maharashtra Police Act, 1951	07/02/25	17/2/25	19/04/25	RCC No.373/25	Court pending

6. According to him, there is absolutely no live link in respect of first eight offences. Further, though the petitioner was released on

bail in the aforesaid offences, 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. He pointed out that, the statements of secret witnesses are stereotype in nature 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. He pointed out that in those statements no specific dates of the incidents are mentioned. 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 orders :-

- (I) Order dated 04/08/2022 in Criminal Bail Application No.647 of 2022 (Akash Suklal Thakur & another vs. The State of Maharashtra, passed by the learned Additional Sessions Judge, Jalgaon &**
- (II) Order in Criminal Writ Petition No.20 of 2026 (Chand Imam Gavali vs. The State of Maharashtra and others, dated 07/04/2026, passed by this court.**

7. Per contra, the learned A.P.P. 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.P.D.A” Act). He pointed out that, the detaining authority has given proper reasons as to why the petitioner needs to be detained. He added that the petitioner was externed for the period from 17/03/2022 to 16/03/2024 as per the previous action and therefore, there was no offence committed by him, but as soon as the said period was over the petitioner again started committing serious crimes. With these submissions, he prayed for dismissal of the petition.

8. Admittedly, the Hon’ble Apex Court in the case of ***Nenvath Bujji Vs. State of Telangana [2024 SCC Online SC 367]***, 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 clearly apparent from the material on record that there was no live link between first eight offences and the offence considered for passing the present detention order. Admittedly, the petitioner was

externed for the period from 17/03/2022 to 16/03/2024 but the fact that petitioner was released on bail in earlier offences is not considered properly in the detention order.

9. It is specifically held in the case of **Joyi Kitty Joseph Vs. Union of India SLP (Cri)16893/2024** that preventive detention cannot be used to by-pass the judicial bail process. Even in the judgment of **Ameena Begum Vs. State of Telangana [2023(9) SCC 587]** 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.

10. Further it is apparent that the concerned jurisdictional court while granting bail to the present petitioner in the recent crime No.30 of 2025 registered with Jilha Peth Police Station, which is considered for passing the detention order, has clearly observed that there was no specific role of the applicant in the said crime. The main

allegations about causing damage to the article in the club and the theft of cash from the cash counter are in fact against the other co-accused. Moreover, the detaining authority or the police personnel who submitted the proposal against the petitioner did not even care to direct the concerned prosecutor for cancellation of bail granted to the petitioner on alleged breach of conditions mentioned therein. As such, apparently there is non-application of mind on the part of detaining authority. What is material that, in the recent offence allegedly committed by the petitioner there are other accused also and the main act was performed by co-accused. Further, on going through the statements of secret witnesses, it is evident that no specific dates are given about the incidents mentioned therein.

11. Thus, considering all these aspects and the observations of Hon'ble Apex Court, it reveals that there was no live link and 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 statements recorded of secret witnesses indicate that those acts were 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.

12. 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 30/06/2025, bearing No. DANDAPRA/KAVI/MPDA/01/2025, passed by respondent No.2, as well as the approval order dated 09/07/2025 and the confirmation order dated 29/08/2025 vide MPDA-0725/CR-339/ SPL-33B, passed by respondent No.1, are hereby quashed and set aside.
- (iii) Petitioner – Sachin @ Tichuklya Kailas Chaudhari shall be released forthwith, if not required in any other offence.
- (iv) Rule is made absolute in the above terms.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE