



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

**CRIMINAL WRIT PETITION NO. 1569 OF 2025**

Rohit Raju Ghule,  
Age : 21 Years, Occ. Labour,  
R/o. Galli No.4, Bharatnagar,  
Garkheda Parisar, Chh. Sambhajinagar ..**PETITIONER**

**VERSUS**

1. The Commissioner of Police,  
Chh.Sambhajinagr,
2. The State of Maharashtra,  
Through its Addl. Chief Secretary,  
Home Department,  
Mantralaya, Mumbai-32.
3. The Superintendent,  
Amravati Central Prison,  
Amravati.

**..RESPONDENTS**

.....

**Advocate for the Petitioner :** Adv. Ziya Jakeriya Pathan  
**A.P.P. for respondent Nos. 1 to 3 :** Mr. S. P. Sonpawale

.....

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

**RESERVED ON : FEBRUARY 02, 2026**

**PRONOUNCED ON: FEBRUARY 25, 2026**

**JUDGMENT (PER SANDIPKUMAR C. MORE, J.) :-**

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 30.07.2025 passed by respondent No.1 bearing No.D.O.2025/CB/MPDA/DET-04/CR-44 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 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 07.08.2025 and the confirmation order dated 19.09.2025 passed by respondent No.3, by invoking the powers 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 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       | Pundliknagar   | 44/2022 u/s 461, 380, 34 IPC           | 01.02.2022           | Pending trial  |
| 2.      | Pundliknagar   | 85/2022 u/s 457, 380, 201, 34 IPC      | 14.03.2022           | Pending trial  |
| 3.      | Pundliknagar   | 87/2022 u/s 461, 380, 201, 34 IPC      | 14/03/2022           | Pending trial  |
| 4.      | Mukundwadi     | 79/2022 u/s 454, 457, 380, 201, 34 IPC | 14.03.2022           | Pending trial  |

|     |              |                                                                                                                                      |            |               |
|-----|--------------|--------------------------------------------------------------------------------------------------------------------------------------|------------|---------------|
| 5.  | Pundliknagar | 206/2022 u/s 379, 34 IPC                                                                                                             | 09.06.2022 | Pending trial |
| 6.  | Harsul       | 121/2022 u/s 379, 34 IPC                                                                                                             | 04.07.2022 | Pending trial |
| 7.  | Pundliknagar | 272/2022 u/s 379, 511 IPC                                                                                                            | 21.07.2022 | Pending trial |
| 8.  | Pundliknagar | 444/2022 u/s 457, 380, 34 IPC                                                                                                        | 21.10.2022 | Pending trial |
| 9.  | Pundliknagar | 118/2023 u/s 324, 323, 504, 506 34 IPC                                                                                               | 03.04.2023 | Pending trial |
| 10. | Pundliknagar | 147/2023 u/s 363, 376(3), 376(2)(n), 354, 354(b), 323, 506 IPC 3,4, 6(1), 7, 8 Protection of Children from Sexual Offences Act, 2012 | 02.05.2023 | Pending trial |

### Preventive Action

| Sr. No. | Police Station | Chapter Case No.           | Disposal   |
|---------|----------------|----------------------------|------------|
| 01.     | Pundliknagar   | 09/2022 U/s 110 of Cr. P.C | Time bared |

### Preventive Action

| Sr. No. | Police Station | Detention order No.                                                                          | Disposal                     |
|---------|----------------|----------------------------------------------------------------------------------------------|------------------------------|
| 1       | Pundliknagar   | No. 2023 MPDA/DET/14/CB-154 Office of the Commissioner of Police, Aurangabad Date 31.10.2023 | He was detained for one year |

| Sr. No. | Police Station | Cr. No. & Under Section                                                                         | Date of registration | Present Status       |
|---------|----------------|-------------------------------------------------------------------------------------------------|----------------------|----------------------|
| 01.     | Pundliknagar   | 531/2024 u/s 331(2), 331(4), 305 Bharatiya Nyaya Sanhita, 2023                                  | 26.12.2024           | Police Investigation |
| 02.     | Pundliknagar   | 105/2025 u/s 118(2), 115(2) Bharatiya Nyaya Sanhita, 2023                                       | 11.03.2025           | Police Investigation |
| 03.     | Pundaliknagar  | 127/2025 u/s 118(1), 118(2), 351(3) B.N.S. 2023, 4/25 Arms Act, 1959                            | 25.03.2025           | Police Investigation |
| 04.     | Pundaliknagar  | 197/2025 u/s 109(1), 189(1), 189(2), 191(1), 3(5) B.N.S. 2023, 135 Maharashtra Police Act, 1951 | 13.05.2025           | Police Investigation |

However, the detaining authority has considered mainly three offence namely C.R. No. 531 of 2024 under Sections 331(2), 331(4), 305 of Bharatiya Nyaya Sanhita, 2023 (for short, "BNS") registered with Pundaliknagar Police Station on 26.12.2024, C.R.N0.105 of 2025 under Sections 118(2), 115(2) of BNS, 2023 registered with Pundliknagar Police Station, on 11.03.2025 and C.R. No. 127 of 2025 under Sections 118(1), 118(2), 351(3) of BNS, 2023, 4/25 Arms Act, 1959 registered with Pundaliknagar Police Station on 25.03.2025 to declare the petitioner as a "Dangerous Person". According to the

learned counsel for the petitioner, there is no live link in the impugned order of detention and the earlier ten crimes registered during the period from 2022 to 2023 against the petitioner, even the preventive action taken against the petitioner in the year 2022, is time barred. According to him, the petitioner has also been released on bail in two of last three crimes, 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, 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. Those can give rise to disturbance of law and order and not disturbance to the public order. Thus, he prayed for setting-aside the impugned order of detention.

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 petitioner since 2022 is involved in serious crimes like theft, causing hurt, as mentioned in the impugned order. Moreover, as per

the statements of secrete witnesses, the incidents mentioned therein have taken place in public places. He further submitted that even after releasing on bail, the tendency to commit crime by the petitioner has not been stopped, and therefore, considering the repeated criminal activities of the petitioner, the same are definitely prejudicial to the maintenance of public order in future. He further submitted that Hon'ble Apex Court in the case of **Arjun Ratan Gaikwad Vs. State of Maharashtra and others Mh.L.J. Online (Cri.) (S.C.)85 arising out of SLP (cri) No. 12516 of 2024** has clarified the distinction between public order and law and order. It is observed that mere disturbances do not equate to public disorder, but the activities must impact broader community to justify preventive detention.

5. Admittedly, three offences of Pundliknagar Police Station have been considered for passing the detention order of the petitioner, wherein it is alleged that the petitioner voluntarily caused grievous hurt to the informants therein with sharp edged weapon in open places accessible to public at large. Further, it is also evident that despite releasing on bail, the petitioner has continued his criminal activities without being deterred. Not only this, the impugned order also indicates that

in the year 2003 also, he was detained for one year under the provisions of M.P.D.A Act. Further, the petitioner is involved in serious crimes of thefts from the year 2022 till 2025. Therefore, considering the previous history of the petitioner, it can safely be inferred that there is sufficient material on record to detain him, otherwise the criminal activities of the petitioner would disturb public order. Under such circumstances, we are not inclined to quash the impugned orders, specially by considering the criminal background of the petitioner. Accordingly, the petition stands dismissed.

6. Rule is discharge accordingly.

**(ABASAHEB D. SHINDE)**  
**JUDGE**

**(SANDIPKUMAR C. MORE)**  
**JUDGE**

YSK/