

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 401 OF 2026

Maroti Raosaheb Jadhav

Petitioner

Versus

1. The State of Maharashtra
2. The District Magistrate,
Nanded.
3. The District Superintendent
of Police, Nanded
4. The Police Inspector,
Police Station, Biloli,
District Nanded

Respondents

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Mr. Suresh Kulkarni, Advocate for the petitioner.
Mr. S.P. Sonpawale, A.P.P. for respondent Nos.1 to 3-State.

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

DATED : 27 MARCH 2026.

Final Order (Per Sandipkumar C. More, J.) :

1. Rule. Rule made returnable forthwith. By the consent of learned counsel Mr. Suresh Kulkarni for the petitioner as well as learned APP Mr. S.P. Sonpawale, heard finally at the stage of admission.

2. By this petition, the petitioner has challenged the communication/order dated 17.03.2026 passed by Police

Inspector, Biloli, District Nanded i.e. respondent No.4 under Section 168 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short, “BNSS”) thereby refusing permission for holding congregation in presence of T. Rajasinh Thakur, MLC, Telangana State. A direction is also sought by the petitioner against respondent Nos.2 and 3 for not to create hurdle in the aforesaid congregation and to restrain them from preventing MLC T. Rajasinh Thakur from entering Biloli town.

3. Learned counsel for the petitioner submits that on 04.04.2026 at about 6.30 p.m. petitioner has undertaken to arrange public congregation at Biloli, District Nanded wherein T. Rajasinh Thakur, MLC, Telangana State is supposed to address the meeting. Further, according to him, certain anti-Hindu organizations have attempted to create hurdle in such congregation, and therefore, police authorities, to prevent the MLC T. Rajasinh Thakur from addressing the aforesaid congregation, issued the impugned notice dated 17.03.2026 through respondent No.4 under Section 168 of BNSS and thereby refused permission for the attendance of MLC T. Rajasinh Thakur at the congregation. Learned counsel for the petitioner pointed out various incidents which took place in the past wherein the concerned police authorities had refused

permission to MLC T. Rajasinh Thakur to address the congregation at various places in Maharashtra, but due to the orders passed by this Court at its Benches at Nagpur, Bombay and even at Aurangabad, the MLC was permitted to address the congregation at Chopda, District Jalgaon, Chhatrapati Sambhajnagar, at Mira-Bhayandar, Mumbai and at Pusad as well as Yawatmal. He pointed out that not a single untoward incident had taken place in earlier congregations. He also relied on those orders passed by this Court at its various Benches, as follows :

- (i) Judgment in Criminal Writ Petition No. 369 of 2024
(Anil Subhash Wankhede vs State of others)*
- (ii) Judgment in Criminal Writ Petition No.866 of 2025
(Haridas Tulshiram Thackery vs State of Maharashtra)*
- (iii) Criminal Writ Petition No. 594 of 2024 (Naresh Ramu Nile vs State of Maharashtra and others)*

Learned Counsel for the petitioner submitted that the petitioner is ready to file undertaking before this Court that no untoward incident would happen if the permission is given to MLC T. Rajasinh Thakur to address the congregation which is to be held on 04.04.2026 at Biloli, Nanded. He even stated that MLC T. Rajasinh Thakur would also file such

undertaking before respondent No.4 on Monday i.e. on 30.03.2026.

4. Per contra, learned A.P.P. strongly opposed the submissions made on behalf of the petitioner. He pointed out that MLC T. Rajasinh Thakur, in the past, had made hate speech in his address causing threat to the integrity of nation. Learned A.P.P. also pointed out that due to hate speech of MLC T. Rajasinh Thakur several offences causing differences in Hindu Muslim religions have been registered, and therefore, it would not be appropriate to grant permission to MLC T. Rajasinh Thakur to address in congregation to be held on 04.04.2026 at Biloli. Learned A.P.P. also pointed out that the Additional Collector, as per Maharashtra Police Act, 1951 has promulgated order under Section 37 (1) (3) and prohibited unlawful assembly and also user of arms. As such, he prayed for dismissal of the petition.

5. It is significant to note that under the impugned communication/order, permission to address the congregation by Speaker T. Rajasinh Thakur, MLC, Telangana State is refused as he is known by his hate speeches causing differences in Hindu-Muslim religions. Moreover, the question

of law and order may arise in Nanded District due to such congregation. Further, the impugned communication also states that since the MLC T. Rajasinh Thakur is known for hate speech, the possibility of arising any question of law and order in the festival season of Ram Nawami, cannot be ruled out.

6. However, learned counsel for the petitioner drew our attention to various orders passed by this Court at its various Benches whereby such permissions to address the congregation by T. Rajasinh Thakur were granted subject to filing appropriate undertakings. On going through the order dated 20.02.2024 in Criminal Writ Petition No. 369 of 2024, this court by considering all the reasons due to which permission was refused, had allowed T. Rajasinh Thakur, MLC, Telangana State to address the congregation held at Chopda, District Jalgaon by directing the police machinery to impose necessary and appropriate conditions. Further, similar permission is also granted to MLC T. Rajasinh Thakur by this Court at Principal Seat, Bombay for addressing the congregation at Mira-Bhayandar, Mumbai on account on birth anniversary of Chhatrapati Shivaji Maharaj vide order dated 23.02.2024 in Criminal Writ Petition No. 594 of 2024.

Further, the reference of order dated 17.01.2024 passed by the Apex Court has given in the aforesaid judgment wherein certain terms and conditions are laid down, under which permission for holding a rally is granted. Moreover, it is extremely important to note that not a single untoward incident had taken place in the aforesaid incidents, wherein permission to MLC T. Rajasinh Thakur for addressing the congregation was granted. The petitioner has even filed an affidavit to that effect before this Court. Today, the petitioner has filed written undertaking that in the forthcoming congregation dated 04.04.2026 no inflammatory or provocative speeches which may disturb communal harmony or public peace, shall be delivered. He has also undertaken to strictly abide with all the conditions which may be imposed by respondent No.4 for holding such congregation. It is also important to note that prohibitory orders under Section 37 (1) (3) of the Maharashtra Police Act passed by the Additional Collector, Nanded are in existence for a period from 13.03.2026 up-till today i.e. 27.03.2026 in Nanded District. Therefore, there is no impediment of such orders for granting permission to in-congregation dated 04.04.2026.

7. Therefore, considering all these aspects and in the

light of earlier judgments of this Court as well as the guidelines of the Hon'ble Apex Court, it would be appropriate to allow the petition and thereby giving direction to respondent No.4 to grant permission for holding in-congregation at Biloli, District Nanded on 04.04.2026 as planned by the petitioner and for addressing the said congregation by MLC, T. Rajasinh Thakur, Telangana State, by imposing necessary and appropriate conditions keeping in mind the situation of law and order subject to filing of similar undertaking as that of the petitioner by MLC T. Rajasinh Thakur. In the result, we pass the following order.

ORDER

- (i) Criminal Writ Petition is hereby allowed.
- (ii) The impugned communication dated 17.03.2026 is hereby quashed and set aside.
- (iii) Respondents No.4, Police Inspector, Biloli Police Station, District Nanded shall grant permission to the petitioner for holding in-congregation dated 04.04.2026 at Biloli, District Nanded in presence of T. Rajasinh Thakur, MLC, Telangana State, by imposing necessary conditions, as may be deemed fit and appropriate, by passing a fresh order, which is to be communicated to the petitioner immediately.

- (iv) T. Rajasinh Thakur, MLC, Telangana State shall also file similar undertaking as that of the petitioner which is filed today, on or before 30.03.2026 with respondent No.4.
- (v) Rule is made absolute in above terms.
- (vi) Parties to act upon authenticated of this order.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE