

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.24 OF 2026

Sou. Sushama Babaso Patil,
Age-60 Years, Occupation: Household,
Residing at Vadgaon,
Taluka Hatkanangale, District Kolhapur

...Petitioner

Versus

1. The State of Maharashtra
Through the Secretary, Home Department
(Special), Mantralaya, Mumbai - 400

2. The District Magistrate /Collector, Kolhapur
Office of the Collector, Nagala Park Kolhapur.

3. The Superintendent of Police, Kolhapur
Opp. Police Headquarters, Kasaba
Bavada Road, Kolhapur

...Respondents

.....

Mr. Deepak Patil a/w. Adv. Sujit Mishra a/w. Adv. Swapnil Naik,
Advocate for petitioner.

Dr. Ashwini Takalkar, APP for respondent-State.

.....

**CORAM : R.G. AVACHAT AND
AJIT B. KADETHANKAR, JJ.**

DATE : 6th FEBRUARY, 2026.

P.C:

. This Writ Petition under Article 226 of the Constitution of

India, is preferred for the following reliefs :

a. This Court be pleased to a Writ of Mandamus or any other appropriate writ, order, or direction to quash and set aside the Detention Order passed against Rajvardhan Babasaheb Patil under Section 3 of the MPDA Act;

2. The order of detention has been passed against the son of the petitioner under Section 3(2) of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and video pirates Act, 1981 (MPDA). The said order could not be executed as he appears to have been evading service thereof. The impugned detention order has been passed by Respondent No. 2 on being subjectively satisfied that the activities of the detenue, being a dangerous person, are prejudicial to the maintenance of public order.

3. Since the challenge to the detention order is prior to its execution, an issue as to the maintainability of the writ petition was faintly raised. In view of the judgment of the Apex Court in Additional Secretary to the Government of India v. Alka Subhash Gadia, reported in 1991 Supp (1) SCC 496 the petition is

considered on its merits within the limited parameters laid down therein.

4. According to the learned Advocate for the petitioner, the detention order is liable to be set aside on the following grounds:

(i) It is passed for a wrong purpose.

(ii) It is passed on vague, extraneous and irrelevant grounds.

5. In support of his contentions, the learned Advocate for the petitioner submits that the fundamental rights of the petitioner's son would be violated if the detention order is executed. It is contended that crimes in which the detainee has either been acquitted or in which no charge-sheet has been filed were taken into consideration while passing the detention order. It is further submitted that in the last three crimes registered against him, anticipatory bail has been granted. The detainee has been in active politics for a long period and has not breached the externment order. With the permission of the High Court, he was allowed to enter the externed area for the recently concluded local body elections. He is likely to be co-opted as a Councillor. It is alleged that since he belongs to a political outfit which is in opposition, the impugned order has been passed mala fide.

6. Reliance is placed upon the judgments of this Court in Jogindershing Ranjitshing Chvan v/s. The State of Maharashtra & Anr passed in Criminal Writ Petition No.1621 of 2024 and (ii) Ishwarsingh Jaswantsingh Girniwale Vs. The District Magistrate & Ors. passed in Criminal Writ Petition No.578 of 2024.

7. It is further submitted that in the crime which allegedly triggered the proposal for detention, anticipatory bail was granted after the learned Additional Sessions Judge perused the video clip of the alleged incident and observed that no such incident had taken place. As regards in-camera statements, it is submitted that the same are cyclostyled and stereotyped. The detainee has not been arrested in connection with the recent crimes. The order, therefore, according to the petitioner, smacks of mala fides and deserves to be quashed.

8. The learned APP, on the other hand, has relied upon the judgments in Additional Secretary to the Government of India v. Alka Subhash Gadia and Naresh Kumar Goyal v. Union of India & Ors., submitted that the detainee has been evading execution of the detention order. She has taken us through the detention order to submit that the same has been passed on the basis of relevant

material placed before the Detaining Authority, who was subjectively satisfied that detention was necessary for the maintenance of public order. It is submitted that efforts were made to serve the detention order, but the detainee could not be traced. Hence, no interference is warranted at the pre-execution stage.

9. We have considered the submissions and perused the impugned order as well as the affidavit-in-reply filed on behalf of the respondents

10. In case of the Additional Secretary (supra) the Apex Court has observed thus :

“11. The provisions of Articles 21 and 22 read together, therefore, make it clear that a person can be deprived of his life or personal liberty according to procedure established by law, and if the law made for the purpose is valid, the person who is deprived of his life or liberty has to challenge his arrest or detention, as the case may be, according to the provisions of the law under which he is arrested or detained. This proposition is valid both for punitive and preventive detention. The difference between them is made by the limitations placed by sub-clauses (1) and (2) on the one hand and sub-clauses (4) to (7) on the other of Article 22, to which we have already referred above. What is necessary to remember for our purpose is that the Constitution permits both punitive and preventive detention provided it is according to procedure established by law made for the purpose and if both the law and the procedure laid down by it, are valid.

12. This is not to say that the jurisdiction of the High Court and the Supreme Court under Articles 226 and 32 respectively has no role to play once the detention - punitive or preventive - is shown to have been made under the law so made for the purpose. This is to point out the limitations which the High Court and the Supreme Court have to observe while exercising their respective jurisdiction in such cases. These limitations are normal and

well known, and are self-imposed as a matter of prudence, propriety, policy and practice and are observed while dealing with cases under all laws. Though the Constitution does not place any restriction on these powers, the judicial decisions have evolved them over a period of years taking into consideration the nature of the right infringed or threatened to be infringed, the scope and object of the legislation or of the order or decision complained of, the need to balance the rights and interests of the individual as against those of the society, the circumstances under which and the persons by whom the jurisdiction is invoked, the nature of relief sought etc. To illustrate these limitations: (i) in the exercise of their discretionary jurisdiction the High Court and the Supreme Court do not, as courts of appeal or revision, correct mere errors of law or of facts; (ii) the resort to the said jurisdiction is not permitted as an alternative remedy for relief which may be obtained by suit or other mode prescribed by statute. Where it is open to the aggrieved person to move another tribunal or even itself in another jurisdiction for obtaining redress in the manner provided in the statute, the Court does not, by exercising the writ jurisdiction, permit the machinery created by the statute to be by-passed; (iii) it does not generally enter upon the determination of questions which demand an elaborate examination of evidence to establish the right to enforce which, the writ is claimed; (iv) it does not interfere on the merits with the determination of the issues made by the authority invested with statutory power, particularly when they relate to matters calling for expertise, unless there are exceptional circumstances calling for judicial intervention, such as, where the determination is mala fide or is prompted by extraneous considerations or is made in contravention of the principles of natural justice or any constitutional provision; (v) the Court may also intervene where (a) the authority acting under the concerned law does not have the requisite authority or the order which is purported to have been passed under the law is not warranted or is in breach of the provisions of the concerned law or the person against whom the action is taken is not the person against whom the order is directed; or (b) where the authority has exceeded its powers or jurisdiction or has failed or refused to exercise jurisdiction vested in it; or (c) where the authority has not applied its mind at all or has exercised its power dishonestly or for an improper purpose; (vi) where the Court cannot grant a final relief, the Court does not entertain petition only for giving interim relief. If the Court is of opinion that there is no other convenient or efficacious remedy open to the petitioner, it will proceed to investigate the case on its merits and if the Court finds that there is an infringement of the petitioner's legal rights, it will grant final relief but will not dispose of the petition only by granting interim relief; (vii) where the

satisfaction of the authority is subjective, the Court intervenes when the authority has acted under the dictates of another body or when the conclusion is arrived at by the application of a wrong test or misconstruction of a statute or it is not based on material which is of a rationally probative value and relevant to the subject matter in respect of which the authority is to satisfy itself. If again the satisfaction is arrived at by taking into consideration material which the authority properly could not, or by omitting to consider matters which it ought to have, the Court interferes with the resultant order; (viii) In proper cases the Court also intervenes when some legal or fundamental right of the individual is seriously threatened, though not actually invaded.

13. *These limitations are not only equally observed by the High Court and the Supreme Court while exercising their writ jurisdiction in preventive detention matters, but in view of the object for which the detention law is enacted and is permitted by the Constitution to be enacted, the courts are more circumspect in observing them while exercising their said extraordinary equitable and discretionary power in these cases. While explaining the nature of the detention law and of the orders passed under it and the scope of the powers of the Court in these matters, this Court has often emphasised the distinction between the existence of its wide powers and the propriety and desirability of using them.*

14. *In the Keshav Singh, Re³ which arose out of the dispute as to the constitutional relationship between the High Court and the Uttar Pradesh State legislature, this Court pointed out that when a citizen moves the Court and complains that his fundamental right under Article 21 is contravened, it would plainly be the duty of the Court to examine the merits of the said contention and that inevitably raises the question as to whether the personal liberty of the citizen has been taken away according to the procedure established by law. The Court held that the power of the High Court under Article 226 and the authority of this Court under Article 32 are not subject to any exceptions. Therefore, it cannot be contended that a citizen cannot move the High Court or this Court to invoke their jurisdiction even in cases where his fundamental rights have been violated. The judicial power conferred on the High Courts and this Court is meant for the protection of the citizens' fundamental rights.*

15. *In Dwarkanath, Hindu Undivided Family v. ITO⁴ while dealing with the nature and scope of power under Article 226, this Court observed that though the High Court under that article has a wide power to reach injustice wherever it is found, it does not mean that the High Court can function*

arbitrarily under it. Some limitations are implicit in the article and others may be evolved to direct the article through defined channels.

16. *State of Bihar v. Rambalak Singh "Balak"*⁵ was a case dealing with the question whether the High Court had under Article 226 jurisdiction to release a detenu on bail pending the final disposal of the petition. The detenu in that case was detained under Rule 30 of the Defence of India Rules. The Court observed that if on proof of certain conditions or grounds it is open to the High Court to set aside the order of detention and direct the release of the detenu, it would not be possible to hold that in a proper case, the High Court had no jurisdiction to make an interim order giving the detenu the relief which the High Court would be entitled to give him at the end of the proceeding. The Court referred to its earlier decision in *Keshav Singh, Re*³ and pointed out that the general principle on which the observations of this Court were based in that case would apply as much to the habeas corpus proceedings commenced on behalf of the detenu detained under Rule 30 of the Defence of India Rules as to any other habeas corpus proceeding. According to the court, the interim relief which can be granted in habeas corpus proceeding must no doubt be in aid of and auxiliary to the main relief. The Court added that it is true that in dealing with the question as to whether interim bail should be granted to the detenu, the Court would naturally take into account the special objects which are desired to be achieved by orders of detention passed under Rule 30 but, stated the Court, "We are dealing with the bare question of jurisdiction and are not concerned with the propriety or the reasonableness of any given order. Considering the question as a bare question of jurisdiction, we are reluctant to hold that the jurisdiction of the High Court to pass interim auxiliary orders under Article 226 of the Constitution can be said to have been taken away by necessary implication when the High Court is dealing with habeas corpus petitions in relation to orders of detention passed under Rule 30 of the Rules". The Court then dealt with the contention that the order of bail in detention proceedings would not be interim, but would be final and, therefore, that fact distinguished cases of preventive detention under detention law from other cases of habeas corpus petitions. Negating the said contention the Court held: (SCR pp. 349-351)

"(9) This argument also is not well founded. It is obvious that when the High Court releases a detenu on bail pending the final disposal of his habeas corpus petition, the High Court will no doubt take all the relevant facts into account and it is only if and when the High Court is satisfied that *prima facie*, there is something patently

illegal in the order of detention that an order for bail would be passed. The jurisdiction of the High Court to pass an interim order does not depend upon the nature of the order, but upon its authority to give interim relief to a party which is auxiliary to the main relief to which the party would be entitled if it succeeds in its petition. Therefore, considered as a mere proposition of law, we see no reason to accept the argument of the learned Advocate-General that the principle enunciated by this Court in the Special Reference³ has no application to habeas corpus petitions filed under Article 226 in relation to orders of detention passed under Rule 30 of the Rules.

(10) Having thus rejected the main argument urged by the learned Advocate-General, we must hasten to emphasise the fact that though we have no hesitation in affirming the jurisdiction of the High Court in granting interim relief by way of bail to a detenu who has been detained under Rule 30 of the Rules, there are certain inexorable considerations which are relevant to proceedings of this character and which inevitably circumscribe the exercise of the jurisdiction of the High Court to pass interim orders granting bail to the detenu. There is not doubt that the facts on which the subjective satisfaction of the detaining authority is based, are not justiciable, and so, it is not open to the High Court to enquire whether the impugned order of detention is justified on facts or not. The jurisdiction of the High Court to grant relief to the detenu in such proceedings is very narrow and very limited. That being so, if the High Court takes the view that prima facie the allegations made in the writ petition disclose a serious defect in the order of detention which would justify the release of the detenu, the wiser and the more sensible and reasonable course to adopt would invariably be to expedite the hearing of the writ petition and deal with the merits without any delay. Take the case where mala fides are alleged in respect of an order of detention. It is difficult, if not impossible, for the Court to come to any conclusion, even prima facie, about the mala fide alleged, unless a return is filed by the State. Just as it is not unlikely that the High Courts may come across cases where orders of detention are passed mala fide, it is also not unlikely that allegations of mala fides are made light heartedly or without justification; and so, judicial approach necessarily postulates that no conclusion can be reached, even prima facie, as to mala fides unless the State is given a chance to file its return and state its case in respect of the said allegations, and this emphasises the fact that even in regard to a challenge to the validity of an order of detention on the ground that it is passed mala fide, it would not be safe, sound or reasonable to make an interim order on the prima facie provisional conclusion that there may be some substance in the allegations of

mala fides. What is true about mala fides is equally true about other infirmities on which an order of detention may be challenged by the detenu. That is why the limitation on the jurisdiction of the Court to grant relief to the detenus who have been detained under Rule 30 of the Rules, inevitably introduces a corresponding limitation on the power of the Court to grant interim bail.

(11) In dealing with writ petitions of this character, the Court has naturally to bear in mind the object which is intended to be served by the orders of detention. It is no doubt true that a detenu is detained without a trial; and so, the courts would inevitably be anxious to protect the individual liberty of the citizen on grounds which are justiciable and within the limits of their jurisdiction. But in upholding the claim for individual liberty within the limits permitted by law, it would be unwise to ignore the object which the orders of detention are intended to serve. An unwise decision granting bail to a party may lead to consequences which are prejudicial to the interests of the community at large; and that is a factor which must be duly weighed by the High Court before it decides to grant bail to a detenu in such proceedings. We are free to confess that we have not come across cases where bail has been granted in habeas corpus proceedings directed against orders of detention under Rule 30 of the Rules, and we apprehend that the reluctance of the courts to pass orders of bail in such proceedings is obviously based on the fact legal and that they are fully conscious of the difficulties - legal and constitutional, and of the other risks involved in making such orders. Attempts are always made by the courts to deal with such applications expeditiously; and in actual practice, it would be very difficult to come across a case where without a full enquiry and trial of the grounds on which the order of detention is challenged by the detenu, it would be reasonably possible or permissible to the Court to grant bail on prima facie conclusion reached by it at an earlier stage of the proceedings.

(12) If an order of bail is made by the Court without a full trial of the issues involved merely on prima facie opinion formed by the High Court, the said order would be open to the challenge that it is the result of improper exercise of jurisdiction. It is essential to bear in mind the distinction between the existence of jurisdiction and its proper exercise. Improper exercise of jurisdiction in such matters must necessarily be avoided by the courts in dealing with applications of this character. Therefore, on the point raised by the learned Advocate-General in the present appeal, our conclusion is that in dealing with habeas corpus petitions under Article 226 of the Constitution where orders of detention passed under Rule 30 of the Rules are challenged, the High Court has

jurisdiction to grant bail, but the exercise of the said jurisdiction is inevitably circumscribed by the considerations which are special to such proceedings and which have relevance to the object which is intended to be served by orders of detention properly and validly passed under the said Rules."

17. Explaining the nature of preventive detention, this Court in Khudiram Das v. State of W.B.⁶ stated as follows: (SCC pp. 90-91, para 8)

"... The power of detention is clearly a preventive measure. It does not partake in any manner of the nature of punishment. It is taken by way of precaution to prevent mischief to the community. Since every preventive measure is based on the principle that a person should be prevented from doing something which, if left free and unfettered, it is reasonably probable he would do, it must necessarily proceed in all cases, to some extent, on suspicion or anticipation as distinct from proof.... This being the nature of the proceeding, it is impossible to conceive how it can possibly be regarded as capable of objective assessment. The matters which have to be considered by the detaining authority are whether the person concerned, having regard to his past conduct judged in the light of the surrounding circumstances and other relevant material, would be likely to act in a prejudicial manner as contemplated in any of sub-clauses (i), (ii) and (iii) of clause (1) of sub-section (1) of Section 3, and if so, whether it is necessary to detain him with a view to preventing him from so acting. These are not matters susceptible of objective determination and they could not be intended to be judged by objective standards. They are essentially matters which have to be administratively determined for the purpose of taking administrative action. Their determination is, therefore, deliberately and advisedly left by the legislature to the subjective satisfaction of the detaining authority which by reason of its special position, experience and expertise would be best fitted to decide them. It must in the circumstances be held that the subjective satisfaction of the detaining authority as regards these matters constitutes the foundation for the exercise of the power of detention and the Court cannot be invited to consider the propriety or sufficiency of the grounds on which the satisfaction of the detaining authority is based. The Court cannot, on a review of the grounds, substitute its own opinion for that of the authority, for what is made condition precedent to the exercise of the power of detention is not an objective determination of the necessity of detention for a specified purpose but the subjective opinion of the detaining authority, and if a subjective opinion is formed by the detaining authority as regards the necessity of detention for a specified purpose, the condition of exercise of the

power of detention would be fulfilled. This would clearly show that the power of detention is not a quasi-judicial power."

11. Let us now consider whether the petitioner is entitled to any relief. The order of detention reads thus :

3. The list of past offences and preventive action taken against you are shown in the following chart-

3.1. According to the available records, it is revealed that you have been involved in various serious offences against public order as defined under Chapters XVI and XVII of the Indian Penal Code, as well as under the provisions of the Bharatiya Nyaya Sanhita and other legal enactments implemented for maintaining public order. The offences listed below constitute your past criminal history, and the same has not been relied upon while passing the order of detention; however, it has been referred to solely for the purpose of demonstrating that you have been habitually committing serious offences. Copies of the First Information Reports have been supplied to you to show your propensity to engage in such grave criminal activities. Your criminal history is shown in the chart below.

Cognizable Offences

Sr. No.	Police Station	C.R. No.	Sections applied	Date of registration	Charge Sheet No.& Date	RCC No.	Present status.
1	Vadgaon	55/2009	IPC Sections 457, 380, 411, 34	08/06/2009	38/15, Dt. 08/05/2015	74/2015	Pending in court
2	Vadgaon	235/2016	IPC Sections 363, 364(a), 342, 324, 323, 504, 506, 34 r/w Maha. Money Lending Act sec. 39	22/07/2016	157/2016, Dt. 12/10/2016	Session Case no. 137/2016	Pending in court
3	Vadgaon	237/16	IPC Sections 363, 385, 386, 341, 452, 323, 504, 506, 34	24/07/2016	05/2017, Dt. 20/01/2017	40/2017	Pending in court
4	Vadgaon	516/2029	SCST Act Sec. 3(1) (r) (s), 3(2) (VA) r/w IPC Sections 323, 504,	21/10/2019	40/2020, Dt. 26/02/2020	Spl. Case no, 125/2020	Pending in court

			506, 171 (P)(F), 143,147,14 9, 188 r/w Sec. 135 of the MP Act				
5	Vadgaon	46/2023	IPC Sections 364(a), 384, 387, 452, 447, 427, 323, 143, 147, 149	25/01/202 3	---	---	Pending in court
6	Vadgaon	297/2024	IPC Sections 307, 120(b), 143, 147, 148, 149, 323, 336 r/w Sec. 135 of the MP Act	11/05/202 4	139/2024, Dt.07/08/2 024	151/2024	Pending in court

The above-mentioned offences have been registered against you from time to time for your criminal acts. You have been arrested in connection with these offences, but the same has had no reformatory effect on you or your conduct. On the contrary, your illegal and dangerous criminal activities have continued to show an ascending trend.

Serious cognizable offences have been registered against you within the jurisdiction of Vadgaon Police Station in connection with incidents committed by you in a prejudiced and deliberate manner, with the intention of disturbing public order in public places. Upon examining the details of the recently registered cognizable offences, it is evident that they predominantly arise from serious acts directly opposed to the maintenance of public order. Furthermore, considering your past criminal history and record, it has been revealed that, apart from the offences already registered with the police, you have committed several other grave offences. However, due to the atmosphere of fear and terror you have created in the minds of ordinary people in the locality, there is sufficient reason to believe that they have been unable to come forward to lodge complaints with the police..

3.2. To deter you from committing habitual offences, preventive action was initiated against you, details of the preventive action is given below-

Sr. No	Police Station	Chapter Case No.	Sections	Date	Status.
1	Vadgaon	1/2011	The Maharashtra Police Act 1951 sec. 55	01/02/2011	The Gang led by you was externed from Kolhapur District for a period of two years
2	Vadgaon	1/2022	The Maharashtra Police Act 1951 sec. 55	25/06/2025	The Gang led by you was externed from Kolhapur

District for a
period of two
years

You have previously been subjected to externment proceedings under Section 55 of the Maharashtra Police Act, 1951, during the years 2011 and 2025. The externment order passed against you in 2011 was set aside by the Hon'ble High Court, Mumbai, on certain technical and procedural grounds raised during the hearing. However, the setting aside of the externment proceedings on such procedural considerations cannot be construed as conferring upon you any liberty to indulge in unrestricted criminal activities.

On the contrary, taking undue advantage of the said order of the Hon'ble High Court, you have subsequently resumed and intensified your prejudiced, habitual, and dangerous criminal activities targeting public peace, public order, and the life and property of citizens, as is clearly reflected by the offences registered against you continuously thereafter.

Following the registration of multiple offences and your lawful arrests therein, you secured release by furnishing sureties and bonds guaranteeing good behaviour. However, instead of reforming yourself, you misused these statutory safeguards-intended to protect ordinary citizens to further your own unlawful purposes. After obtaining such relief, you reverted to your entrenched, prejudiced, and habitual criminal tendencies and continued to commit offences that gravely disturb public order.

Your conduct, as well as the acts committed by the gang operating under your leadership, exhibit a clear and alarming pattern of continuity and escalation. Your continued presence in the area has generated sustained fear, intimidation, and a sense of insecurity among law-abiding citizens. It has become evident that you and the gang under your command are firmly committed to acting in defiance of the law. Accordingly, you were externed from Kolhapur district on two separate occasions.

Despite being subjected to such stringent preventive measures, no positive or reformatory change has been observed in your socially harmful and disruptive criminal behaviour. On the contrary, even after the externment order passed in 2025 came into effect, you repeatedly violated the said order, thereby demonstrating a deliberate and conscious disregard for statutory authority and revealing your continued inclination towards lawlessness. Your long-standing role as the influential head of an active criminal gang, combined with the fear, terror, and danger generated by your activities and those of your gang, has persisted continuously from 2011 to 2025.

It is thus evident that even rigorous measures such as externment have proved insufficient to restrain your habitual, premeditated, and socially disruptive criminal conduct. In view of the persistent threat posed by your organized, continuous, and dangerous activities to the public, public peace, and public safety, it has become necessary, urgent, and legally imperative to initiate the present preventive action to effectively curb your activities.

By virtue of your continuous and habitual criminal activities, you have created an atmosphere of terror among the general public. You have persistently engaged in acts of intimidation and coercion to instill fear in ordinary citizens. A review of your criminal record shows that, with deliberate and malicious intent to terrorize law-abiding citizens, you have

repeatedly committed serious offences against public order and persons, including: habitually wielding deadly weapons in public places; threatening innocent persons; participating in armed assaults in crowded areas resulting in grievous injuries; kidnapping individuals for the purpose of extortion and wrongfully confining them; abusing and assaulting members of the Dalit community using caste-based derogatory expressions; operating illegal money-lending activities; and cheating members of the public thereby indulging in socially abhorrent acts prejudicial to the maintenance of public order.

It has further come to notice that you deliberately violated the externment order issued against you for the preservation of public order and, during such violation, assaulted a public servant with eriminal force to prevent him from discharging his lawful duty. You have also disobeyed lawful directions of public authorities, harboured offenders, and, by driving a vehicle in a rash and dangerous manner, attempted to commit a violent robbery. You have been arrested on multiple occasions for such offences. However, immediately upon release on bail-misusing statutory provisions intended to safeguard the public-you have again engaged in premeditated acts that disrupt public order, often of an even more serious nature.

This is substantiated by the recent offence registered at Vadgaon Police Station vide FIR No. 413/2025 dated 20/07/2025, under Sections 132, 223, 249, 281, 309(4), 62, 351(2), 351(3), 3(5) of the IPC read with Section 142 of the Maharashtra Police Act.

Evidently, previous preventive actions have had no positive effect on you. It is therefore clear that ordinary preventive measures are insufficient to curtail your dangerous criminal activities, which continue to escalate and are prejudicial to the maintenance of public order. However, it is clarified that this detention order is not itself based on preventive action; rather, the preventive measures have been cited solely to highlight your persistent tendency to habitually commit violent crimes.

4. Recently, your involvement is noticed in the following offence which is of serious nature and is suggestive of your violent tendencies and inclinations to perpetuate your criminal activities as a dangerous person. From your participation in the crime shown below and from the criminal act, it becomes evident that you are a 'dangerous person'. This criminal activity of yours is prejudicial to the maintenance of public order as defined in section 2 (a) (iv) r/w (b) (1) of the said Act and hence, I, being the Detaining Authority, have relied mainly upon the same while passing the order of detention. I have considered the following one offence mentioned below at Para No. 5.1 along with two in-camera statements mentioned at Para No. 6.1 in addition to 6.2 to issue this detention order. The relevant document regarding the investigation of this offence is enclosed herewith in order to enable you to make an effective representation.

Sr. No.	Police Station	Crime No.	Section	Date of Registrati on	Charge Sheet No. & Date	RCC No.	Remarks
1	Vadgaon	413/2025	BNS Sec. 132, 223, 249, 281, 309(4), 62, 351(2), 351(3), 3(5) r/w the Maharash tra Police Act Sec. 142	20/07/2025	--	--	Pending investigat ion

5. Particular of Offence Considered for Passing Detention Order:-

5.1 Vadgaon Police Station has registered an offence vide FIR No. 413/2025 dated 20/07/2025, u/s 132, 223, 249, 281, 309(4), 62, 351(2), 351(3), 3(5) of theIPC r/w Section 142 of the Maharashtra Police Act against you, along with your associate for violation of the externment order issued for the maintenance of public order by assaulting a public servant to

deter him from performing his lawful duty, providing shelter to offenders, and attempting forcible robbery by recklessly driving a vehicle.

5.1.1 The complainant in this offence is Shri Laxman Tukaram Sargar, aged 34 years, Police Sub-Inspector, posted at Vadgaon Police Station. The incident took place on 20/07/2025 at approximately 03:16 a.m., on the road from Vadgaon Court to Vadgaon, Taluka Hatkanangale. The FIR was registered on the same day, i.e., 20/07/2025, at 14:00 hours.

5.1.2 The complainant was on duty as Night Patrolling and Night Checking Officer from 21:00 pm. on 19/07/2025 to 09:00 am. of 20/07/2025. On 19/07/2025 at 23:09 pm, after recording the station diary at the police station, the complainant, along with Constable 1605 Wangikar, left for checking duty with the Peter Mobile from Vadgaon Police Station covering Vadgaon city, Khochi, Latwade, Bhendwade, Sawarde, Bhadole, Mauje Tasgaon, Kapurwadi, and then scanned the QR code of the Hon'ble First Class Magistrate, Vadgaon Court, at about 03:16 am. While returning from Vadgaon Court towards Vadgaon city on the Kolhapur-Vadgaon road, two young men on a motorcycle overtook the patrol vehicle in a rash manner. On noticing this, the complainant pursued them and asked them to stop, but the two young men did not comply and continued at high speed.

The complainant overtook the motorcycle at Vathar Naka and attempted to stop them. On the motorcycle you, the externed offender from the Kolhapur district, along with your accomplice Suyog Patil were riding. When the complainant asked, **"Why didn't you stop despite the warning? Why are you out at this late hour?"** ("इशारा करुन देखील का थांबला नाही. एका रात्री का फिरताय,") you continued moving forward on the motorcycle. The complainant tried to remove the keys of your motorcycle to stop you, asking you to sit in the patrol vehicle. You shouted at the complainant, "Sir, we are leaving, why are you taking the keys unnecessarily?" ("अहो साहेब निघालोय थांबवू नका विनाकारण किल्ली कावुन घेण्याचा काय संबंध,") At that time, when the complainant attempted to video the incident on his mobile phone, you tried to snatch the mobile phone, and provoked your accomplice, Suyog Patil, by saying **'Call the boys; should not let them go,'** ("तु पोर बोलावून वे यांना सोडायच नाही.") you pushed the complainant from the front as such your accomplice, Suyog Patil, who got down from the motorcycle and made a phone call. Despite repeated instructions from the complainant to sit quietly in the vehicle, you drove the motorcycle in a hurry towards Vathar Bridge and threatened the complainant, **"will see you, are you trying to stop me"** ("तुम्हाला बघुन घेतो मला आडवताय काय") and fled. The complainant pursued your vehicle up to Vathar Bridge, but you escaped.

Externee as per the order of The Externment Authority, i.e., the Superintendent of Police, Kolhapur, in accordance with Order No. 22LCB/MPA 55/Externment/2025-3288 dated 25/06/2025, and your accomplice Suyog Patil were signaled by the complainant to stop, you attempted to snatch the complainant's mobile phone. Further, by threatening you said to your accomplice, Suyog Patil, that, **'Do not let them go today; I will deal with you. How dare you obstruct me,'** ("आज यांना सोडायचे नाही तुम्हाला बघुन घेतो मला आडवताय काय") you pushed the complainant and fled on the motorcycle, therefore being as a government servant the complainant lodged the complaint against you and your accomplice, and an offence has been registered as stated above. The offence is being investigated Shri Santosh Mane, Assistant Police Inspector, Vadgaon Police Station.

12. There are two in-camera statements which prima facie indicate the involvement of the petitioner's son in criminal activities. The detention order is dated 29th December 2025. The

conduct of the petitioner's son indicates that he appears to have been absconding with a view to evade execution of the said order.

13. Upon perusal of the detention order, we prima facie find that the grounds on which the same has been challenged do not appear to be sustainable at this stage. The petitioner's son may surrender pursuant to the detention order and thereafter raise such grounds of challenge as are available to him in law.

14. Suffice it to observe that the impugned order appears to have been passed on the basis of material placed before the Detaining Authority and does not, at this stage, disclose any mala fides. This is not the stage to scrutinize the sufficiency or adequacy of the material unless the detenue first submits to the order.

15. For all the aforesaid reasons, we find that the writ petition is devoid of merits. The writ petition is accordingly dismissed.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT J.]