

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO.227 OF 2026**

Shri Yalling @ Yallappa Iranna Pujari
(Detain in Yerwada Central Prison, Pune)
Age: 34 Years, R/at: S.No.102-E, 34/35,
Near Ullagaddi Mill, Bhavani Peth,
Solapur.

.....Petitioner

Vs.

1. State of Maharashtra,
Through Principal Secretary,
Department of Home,
Government of Maharashtra,
Mantralay, Madam Cama Road,
Mumbai - 400 032.
2. Commissioner of Police,
Solapur Having address at : Solapur.
3. The Superintendent,
Yerawada Central Prison.

.....Respondents

Mr. Prasad Kamthe, Advocate for the Petitioner.

Mr. S. V. Gavand, Additional Public Prosecutor, for the
Respondents-State.

Mr Ghadage, API, Crime Branch, Solapur City is present.

CORAM : MRS. VRUSHALI V. JOSHI,

SANDESH D. PATIL, JJ.

RESERVED ON: 9th JUNE 2026

PRONOUNCED ON : 15th JUNE 2026

JUDGMENT :- (Per Mrs. Vrushali V. Joshi, J.)

The Petitioner has challenged his detention order dated

07.11.2025 passed under Section 3(2) of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders, Dangerous Persons, Video Pirates, Sand Smugglers, Persons engaged in the Black-Marketing of Essential Commodities Act, Illegal Gambling, Illegal Lottery and Human Trafficker Act, 1981 (for short “Act of 1981”) by the Commissioner of Police, Solapur.

2. The learned Advocate for the Petitioner challenges the impugned order, which appears to have been confirmed by the State Government by order dated 14.11.2025, on the ground that the impugned order passed by the Detaining Authority is based on the non-application of mind and without adhering to the statutory procedure.

3. The grounds of detention appear to have been based on three crimes, namely, Crime No.578/2025 registered for the offence punishable under Sections 117(2), 115, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short “BNS”), Crime No.650/2025 and Crime No.651/2025 which are committed on same day. Crime No.650/2025 is registered for the offence punishable under Sections 118(1), 118(2), 352 and 351(1) of BNS and Crime

No.651/2025 is registered for the offence punishable under Sections 352 and 351(2) of BNS read with Section 4/25 of the Arms Act, 1959 read with Section 37(1) of the Maharashtra Police Act, 1951. The Detaining Authority has also considered the In-Camera Statements of two witnesses “A” and “B”. It is submitted that the Detaining Authority has not considered that in all the three offences, which are under investigation, the Petitioner has been released on bail. The material on record would show that, at the most, there was ‘law and order situation’ and the ‘public order’ was not disturbed requiring the detention of the Petitioner. Further, there was no proper verification of In-Camera Statements by the Detaining Authority. The main ground for challenging the Detention Order is that though the remedy for cancellation of the bail order was available, it was not considered.

4. The Petitioner has relied on the judgment of the Hon’ble Apex Court in case of Roshini Devi V/s. The State of Telangana in Criminal Appeal of 2026 (@ SLP (CRL.) No.18223 of 2025) wherein the Hon’ble Apex Court has observed that if the Detaining Authority was of the view that the detinue had violated any condition of bail, steps

for cancellation of her liberty could have been taken and that has not been done. It is submitted by the learned Advocate for the Petitioner that the petition may kindly be allowed.

5. *Per contra*, the learned A.P.P. submits that the Petitioner was involved in all the three offences which are under investigation. Even the preventive action was taken against him from time to time but he has not curtailed his activities. The learned A.P.P. has pointed out that while passing the detention order the bail orders are considered. It is specifically mentioned that the Petitioner is a free person after released on bail and taking into consideration the propensity towards criminal activities and as there is an eminent possibility that the Petitioner is likely to revert to the similar activities, which are prejudicial to the maintenance of 'public order' in future, this observations proves that after considering the bail orders, the detention order is passed. The Confidential Statements of witnesses "A" and "B" would show that in both the crimes i.e. Crime Nos.650/2025 and 651/2025 threats have been given in public place and, therefore, this is nothing but an act to establish the supremacy by creating terror in the minds of people at large so that the

Petitioner can continue his illegal activities. No illegality has been committed while passing the detention order and, therefore, the petition deserves to be dismissed.

6. In the detention order, the offences which are considered are Crime Nos.578/2025, 650/2025 and 651/2025. Crime Nos.650/2025 and 651/2025 are committed on same day.

7. In first crime i.e. Crime No.578/2025, the Petitioner along with his friends entered the house of the Complainant, who is running grocery shop. The Petitioner became annoyed as the Complainant demanded the amount of grocery purchased by Petitioner on credit. The Petitioner assaulted his family members including his wife, and gave threats of killing him. The offence under Sections 117(2), 115, 352, 351(2) and 3(5) of the BNS is registered.

8. In second offence i.e. Crime No.650/2025 during *Navratri Mahotsava*, the Petitioner assaulted the persons in procession with *Lezim* and the crime is registered. On same day, when the Petitioner was absconding and Police went to take search of him, they received information that he is roaming in the area with a knife and

threatening the people. Therefore, the Police went there and arrested the Petitioner on the spot along with the knife. Thus, the third crime came to be registered against the Petitioner. On perusal of statement of witnesses it appears that threats were given by the Petitioner and he has extorted the amount.

9. After going through the material placed on record, the question arises whether the acts or conduct of the detainee was of such a nature and gravity that the same would be taken as an act or activities prejudicial to the 'public order' or that the conduct of the detainee had caused public disorder or disturbance to even tempo of life of public at large.

10. On perusal of the statements of witnesses "A" and "B" it is clear that the incidents took place in public place. During procession the Petitioner has assaulted the persons and the crime was registered. Thereafter he has also created terror in the minds of people by roaming with knife in his hand. The Police Staff went there and the Petitioner was seen walking on public road with a knife and spreading terror. He was caught with the help of Police Staff and taken into custody and police seized weapon which was in his hand.

Thereafter he was released on bail. The contention of the Petitioner is that the statement of confidential witnesses was recorded on the day when he was released on bail and immediately thereafter the process to pass the order of detention was initiated and the order was passed within a period of two months. If a person is roaming with a sharp iron weapon i.e. knife then, *prima facie*, we can consider that it would raise the problem of 'public order' and not only 'law and order'. In earlier offences also he has used wooden sticks and has assaulted the family members including the wife of the Complainant. Though the complaints are of individualistic nature, the Petitioner has created terror in the minds of people at large and he has given threats.

11. The statement of witnesses "A" and "B" would further show that the incidents have taken place in public place and Complainants were threatened by the Petitioner by assaulting them. Therefore, these incidents and material placed on record would certainly show that it is the 'public order' that was disturbed by the Petitioner.

12. The only contention of the Petitioner is that the bail orders are not considered while passing the order. However, on perusal of the

detention order it appears that the bail orders are considered. Earlier the preventive action was also taken against the Petitioner. Since 2019 the Petitioner is creating nuisance and the offences, which are registered against this Petitioner, are committed in public place, which amounts to disturbance of 'public order'.

13. In Writ Petition No.546/2023 (Hanif @ Illu Hafiz Ansari V/s. The State of Maharashtra and others) this Court has distinguished between the concept of 'public order' as opposed to 'law and order' by relying upon the case of Kanu Biswas V/s. State of West Bengal reported in (1972) 3 SCC 831. It was also considered that in fact, crimes were not even felt to be of serious nature and felt to warrant issuance of the notice under Clause (a) of Sub-Section (1) of Section 41 of the Code of Criminal Procedure to the Petitioner. Here, it is to be noted that the offences on which those observations have been made were under Section 506 read with Section 34 of the Indian Penal Code. Here, it is Section 4 punishable under Section 25 of the Arms Act. At the cost of repetition, we would like to note the fact that the Petitioner was roaming in public place by holding knife i.e. sharp iron weapon in hand. Based on said facts, Sheikh Hussain @

Shahrukh Shaikh Fatru V/s. State of Maharashtra reported in 2023 DGLS (Bombay) 3318, it has been observed that the Detaining Authority has recorded its subjective satisfaction that the statement of witnesses were verified and it has interacted with A.C.P. who verified such statements. Here, said subjective satisfaction has been arrived at.

14. As aforesaid subjective satisfaction has been arrived at on the basis of the three crimes and two In-Camera Statements, we do not find that this is a fit case where we should exercise our constitutional powers to set aside the detention order. Further, the detention order has been confirmed taking into consideration the opinion of the Advisory Board as contemplated under law and, therefore, we pass the following order.

ORDER

- i) Criminal Writ Petition is dismissed.
- ii) Rule discharged.

(SANDESH D. PATIL, J.)

(MRS. VRUSHALI V. JOSHI, J.)