IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1759 OF 2026

Irfan Karim Shaikh .....Petitioner
Versus
State of Maharashtra and others .....Respondents

Ms. Nishi Singhvi, Advocate i/b. Kuldeep Nikam for the Petitioner.
Mr. S.V. Gavand, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL &
RANJITSINHA RAJA BHONSALE, JJ.

DATE : 01st OCTOBER, 2026

JUDGMENT : [Per Sarang V. Kotwal,J.]

1. The Petitioner has challenged the detention order dated 24.12.2025 passed by the Respondent No.2 – Commissioner of Police, Pune City. Apart from the detention order, the Respondent No.2 passed the committal order dated 24.12.2025 directing the Petitioner to be detained in Wardha District Prison.

2. Heard Ms. Nishi Singhvi, the learned counsel for the Petitioner and Mr. S.V. Gavand, the learned APP for the Respondent-State.

3. Though there are many grounds raised by the learned counsel for the Petitioner, she restricted her arguments to the main

ground that the detention order was passed with definite intention to detain him though there was no genuine material available against the Petitioner. She submitted that the grounds of detention refers to a preventive action. It was withdrawn by clearly mentioning that they wanted to take more effective steps against the Petitioner and thereafter two in-camera statements of the witnesses were recorded. This all shows that it was with deliberate design that the statements of the witnesses were recorded in-camera only to create record against the Petitioner.

4. The learned APP submitted that there is a registered offence and two in-camera statements against the Petitioner and, therefore, the Detaining Authority has taken into consideration all the aspects in passing the detention order.

5. We have considered these submissions. The Petitioner was served with the grounds of detention. In paragraph-3 there is a reference to the C.R. No.7/2024 registered at Warje Malwadi Police Station under Sections 326, 323, 504 read with 34 of IPC which was registered on 22.2.2024. In paragraph-3.2, there is a specific reference to the preventive action. This particular preventive action

and the averments in that behalf are particularly important in the context of the present case. It is mentioned that there was a chapter case No.12/2024 dated 14.3.2024 initiated at the instance of Warje Malwadi police station under Section 110(a)(e)(g) of Cr.P.C.. In the column of status it is mentioned as follows :

> "On 29/01/2025, you had been executed bond of Rs.50,000/- with 2 sureties for two years by Special Executive Magistrate Kothrud Division, Pune City. To initiate more effective action, on 23/09/2025 the case was withdrawn u/s. 137 of BNSS by Special Executive Magistrate, Zone III, Pune City." [reproduced as is mentioned in the grounds of detention].

6. Paragraph-5.1 refers to the details of C.R. No.390/2025 registered at Warje Malwadi police station on 20.9.2025 under Section 3(25) of the Arms Act and under Section 37(1)(3) read with 135 of the Maharashtra Police Act and under Section 7 of the Criminal Law Amendment Act. The offence pertains to the incidents dated 20.9.2025. On prior information, the police team went to the spot opposite MHADA colony. The Petitioner was seen waving a pistol in the air and shouting at the people living there. The Petitioner was arrested. A country made revolver and two live rounds were recovered from him.

7. Paragraph-6 refers to the statements of two witnesses recorded in-camera. The witness "A" has stated about the incident dated 22.10.2025 that had taken place at 9.45 p.m. The allegations are in the nature of extortion. The Petitioner has forcibly taken Rs.1200/- from this witness and had damaged his pan tapri with *koyata.* The statement of witness "B" refers to the incident dated 1.11.2025 that had taken at 10.45 p.m.. The description is in the nature of offence of extortion. The Petitioner had shown a knife.

8. Based on these statements, the Detaining Authority has recorded his subjective satisfaction to pass the detention order. The submissions made by learned counsel for the Petitioner refers to the preventive actions which are referred to hereinabove in respect of Chapter Case No.12/2024. As we have reproduced the ground in that behalf, it is mentioned that, though the Petitioner had executed a bond on 29.1.2025 the case was withdrawn under Section 137 of BNSS by a Special Executive Magistrate, Zone III, Pune City on 23.9.2025. Significantly the statements of the witnesses "A" and "B" were recorded on 27.10.2025 and 4.11.2025 respectively. These statements were in respect of the incidents which taken place on 22.10.2025 and 1.11.2025. This indicates that on or before

23.9.2025 the authorities had already decided to take more stringent action than asking him to execute a bond. After that they recorded in-camera statements on 27.10.2025 and 4.11.2025 in respect of the alleged incident which had taken place after 23.9.2025. Thus, when the preventive action i.e. Chapter Case No.12/2024 was withdrawn, that time the authorities neither had the statements of the witnesses “A” and “B” nor those incidents had even taken place. Inspite of that the preventive action i.e. Chapter Case No.12/2024 was withdrawn with specific purpose to take more effective action. All this shows that the subsequent record was created to enable the Detaining Authority to pass the detention order. The genuineness of the in-camera statements and the incidents described therein is therefore extremely doubtful and we find substance in the submission of the learned counsel for the Petitioner that the proceedings of initiating detention order are not bonafide at all.

9. In this view of the matter, the impugned detention order is not sustainable and it deserves to be set aside.

10. Hence, the following order:

:: O R D E R ::

i. The Petition is allowed.

ii. The detention order dated 24.12.2025 passed by the Respondent No.2 directing detention of the Petitioner is set aside.

iii. The Petitioner be released forthwith if not required in any other case.

iv. Rule is made absolute in the aforesaid terms. The Petition is disposed of accordingly.

(RANJITSINHA RAJA BHONSALE, J.) (SARANG V. KOTWAL, J.)

Deshmane (PS)

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