



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2660 OF 2025

Vinod Tuljaram Bandichode]
 Age : 27 years, Occupation – Nil,]
 Residing At – Behind Vaibhav]
 Talkies, Kamthe Wasti, Hadapsar, Pune]
 (At present is in Sambhajinagar]
 Central Prison)] ... Petitioner

V/s.

1. The State of Maharashtra]
 Through Additional Chief]
 Secretary (Home), Government]
 of Maharashtra, Home Department]
 (Special) Mantralaya, Mumbai.]
 2. Commissioner of Police, Pune,]
 Office of Commissioner of Police]
 Pune, Maharashtra]
 3. The Superintendent of Aurangabad]
 Central Prison, Aurangabad]
 4. The Inspector of Police,]
 Hadapsar Police Station, Pune] ... Respondents

Mr. Shailesh Kharat a/w Mr. Onkar Chaudhari and Mr. Vishwajeet Nimbalkar for Petitioner.

Mr. Shreekant V. Gavand, A.P.P. for Respondent-State.

CORAM : A. S. GADKARI AND
 RANJITSINHA RAJA BHONSALE, JJ.
 DATE : 13th October 2025

JUDGMENT : (Per : A.S. Gadkari, J.) :-

1) The detenu has filed this Petition under Article 226 of the Constitution of India, impugning the Detention Order dated 10th January 2025, bearing OW. NO./CRIME PCB/DET/HADAPSAR/BANDICHODE /18/2025, issued by Respondent No.2, under Section 3(2) of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders, Dangerous Persons, Video Pirates, Sand Smugglers and Persons engaged in Black-marketing Essential Commodities Act, 1981 (Maha.Act No.IV of 1981) (Amendment-1996, 2009, 2015) (*for short “MPDA Act”*) and the Committal Order of even date, directing detention of the Petitioner in the Aurangabad Central Prison, Aurangabad.

2) Heard Mr. Kharat, learned counsel for Petitioner and Mr. Gavand, learned APP for Respondent, State. Perused entire record produced before us and the Affidavits in reply of the Respondent/Authorities.

3) Record indicates that, along with Detention Order dated 10th January 2025, the Petitioner was served with Grounds of Detention dated 10th January 2025. A minute perusal of the Grounds of Detention reveals that, the Detention Order is based on one crime i.e. C.R. No.1689 of 2024, dated 31st October 2024, registered with Hadapsar Police Station and two in camera statements of witnesses 'A' and 'B' dated 7th December 2024 and 11th December 2024 for incidents dated 5th December 2024 and 6th December 2024, respectively.

3.1) In the said crime i.e. C.R. No. 1689 of 2024, the Petitioner was arrested on 29th November 2024 and was released on bail on 30th November 2024. As noted earlier, the in camera statements of the said witnesses 'A' and 'B' were recorded on 7th December 2024 and 11th December 2024, respectively. The said two in camera statements were verified by the Assistant Commissioner of Police, Hadapsar Division, Pune on 16th December 2024. In the meantime, taking into consideration the affinity of the Petitioner towards criminality and his activities, which the Hadapsar Police Station found to be prejudicial to the maintenance of public order and with a view to prevent him or acting in any manner prejudicial to the maintenance of public order submitted its proposal to the detaining Authority, through proper channel on 13th December 2024. The said proposal was placed before the Respondent No.2. i.e. detaining Authority on 9th January 2025. The detaining Authority after being subjectively satisfied about the said proposal, issued the impugned Detention Order on 10th January 2025.

3.2) Learned Advocate for the Petitioner has raised a specific ground No. (j) in the Petition, of delay in processing the proposal for preventive detention of the Petitioner of about 27 days from 13th December 2024 i.e. the submission of the proposal by the sponsoring Authority till its actual process and the detaining Authority reached to its subjective satisfaction for terming the Petitioner as a 'dangerous person', as contemplated under Section 2(b-1) of the MPDA Act and issuing the impugned Detention Order dated 10th January

2025.

3.3) The Respondent No.2 has filed a detailed Affidavit dated 24th June 2025. In sub para of para No. 18, the Respondent No. 2 has replied to the said ground No. (j) taken by the Petitioner regarding delay in processing and issuing the Detention Order. It is stated that, on 13th December 2024, the proposal for detention of the Petitioner was mooted by the Hadapsar Police Station, Pune, through the proper channel; it was carefully considered and scrutinized by various Authorities at various levels and thereafter on 9th January 2025, the entire material was placed before the detaining Authority; the detaining Authority carefully examined all the material placed before it and after arriving its subjective satisfaction that, it was absolutely necessary to detain the Petitioner, passed the Order of detention on 10th January 2025.

3.4) It be noted here that, the detaining Authority has not offered any plausible explanation while explaining the said delay of 27 days from the date of submission of the proposal dated 13th December 2024 by the sponsoring Authority till it reached to its subjective satisfaction that, it was absolutely necessary to detain the Petitioner under Section 3(2) of the MPDA Act, on 9th January 2025.

4) The Hon'ble Supreme Court in the case of *T.A. Abdul Rahman Vs. State of Kerala And Others, reported in (1989) 4 SCC 741*, in para Nos. 10 and 11, has held as under :

“10. The conspectus of the above decisions can be summarised

thus: The question whether the prejudicial activities of a person necessitating to pass an order of detention is proximate to the time when the order is made or the live-link between the prejudicial activities and the purpose of detention is snapped depends on the facts and circumstances of each case. No hard and fast rule can be precisely formulated that would be applicable under all circumstances and no exhaustive guidelines can be laid down in that behalf. It follows that the test of proximity is not a rigid or mechanical test by merely counting number of months between the offending acts and the order of detention. However, when there is undue and long delay between the prejudicial activities and the passing of detention order, the Court has to scrutinise whether the detaining authority has satisfactorily examined such a delay and afforded a tenable and reasonable explanation as to why such a delay has occasioned, when called upon to answer and further the court has to investigate whether the causal connection has been broken in the circumstances of each case.

11. Similarly when there is unsatisfactory and unexplained delay between the date of order of detention and the date of securing the arrest of the detenu, such a delay would throw considerable doubt on the genuineness of the subjective satisfaction of the detaining authority leading to a legitimate inference that the detaining authority was not really and genuinely satisfied as regards the necessity for detaining the detenu with a view to preventing him from acting in a prejudicial manner."

4.1) The Hon'ble Supreme Court in the case of *Pradeep Nilkanth Paturkar Vs. S. Ramamurthi and Others*, reported in 1993 AIR SCW 4066, has followed the dictum enunciated by it in *A. Abdul Rahman (supra)*. In the case

of *Pradeep Nilkanth Paturkar (supra)*, the Hon'ble Supreme Court has expressed its anguish about the fact that, the statements of witnesses were recorded only after the detenu became successful in getting bail from the concerned Court. It is further held that, the unexplained delay, whether short or long, especially when the detenu has taken a specific plea of delay has to be explained properly.

5) As noted above, in the case at hand also there is unexplained delay of 27 days in processing the Order of Detention of the Petitioner.

In view of the the above discussion and under the above circumstances, we set aside the impugned Detention Order dated 10th January 2025, issued by Respondent No.2.

5.1) Hence, the following Order.

- i) Detention Order dated 10th January 2025, bearing OW. NO./CRIME PCB/DET/HADAPSAR/BANDICHODE/18/2025, issued by the Respondent No.2, is quashed and set aside.
- ii) Petition is allowed in terms of prayer clause (b).
- iii) Petitioner be released from Jail forthwith, if not required in any other case/cases, on production of operative part of an authenticated copy of this Judgment.
- iv) All the concerned to act on the basis of an authenticated copy of this Judgment.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)