



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.6077 OF 2025

Mr. Swapnil Balasaheb Pawar Petitioner
V/s.
The State of Maharashtra and Ors. Respondents

Miss. Mrunmai Rokade a/w. Mr. Ramchandra Wagh i/b.
Mr. Narayan Rokade for the Petitioner.
Mr. S.V. Gavand, Addl.P.P. for Respondent Nos.1 to 3 – State.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &
SHYAM C. CHANDAK, J.**

DATE: 16th APRIL 2026

Per, Shyam C. Chandak, J. :

Present Petition impugning an order of Petitioner's detention passed on 22nd September 2025 by respondent no.2- Commissioner of Police, Pimpri-Chinchwad, Dist. Pune, invoking the powers conferred under sub-section (2) of Section 3 of the *The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-Offenders and Dangerous Persons, Video Pirates, Sand Smugglers and Persons engaged in Black Marketing of Essential Commodities Act, 1981* (for short, " the said Act") and the following Committal Order of the same date.

- 2) Respondent No.1 and 3 have filed their separate replies by Affidavit.
- 3) Heard Ms. Rokade, learned counsel for the petitioner and Mr. Gavand, learned Addl.P.P. for Respondent nos.1 to 3 – State.



4) Ms. Rokade, learned counsel for the petitioner submits there was no proposal by Respondent no.2 – Police Station for detention of the Petitioner. The Detention Order is based on two crimes. However, one of the crimes was filed vindictively at the behest of the enemies of the Petitioner. Thus, said Order has been passed without supporting material and recording proper satisfaction as required in law. Therefore, the Detention Order as well as the Committal Order are contrary to the provisions of the law and liable to be quashed and set-aside.

5) In contrast, Mr. Gavand, the learned Addl.P.P. supported the said Orders submitting that there is sufficient material against the Petitioner which compelled the passing of his Detention Order. As such, there is substance in the Petition.

6) We have considered these submissions and perused the record.

7) To direct the detention of the Petitioner, the Detaining Authority has taken into consideration the criminal antecedents of the Petitioner, the preventive actions taken against him, the two crimes committed in the recent past and the in-camera statement of two confidential witnesses “A” and “B”.

8) Record indicates that between February 2019 to August 2024, the Petitioner had committed three body offences and three crimes under the Maharashtra Police Act, 1951 by breaching the externment Order. One of the two crimes which were committed by him in the recent past and which were considered as the ground for passing the Detention Order is C.R.No.127/2025 registered with Hinjewadi Police Station under Sections 4 read with 25 of the Arms Act, 1959 and under Sections 37(1)(3), 135 and 142 of the



Maharashtra Police Act. Because, on 1st March 2025, at about 7:00 p.m., within the limits of Hinjewadi Police Station, the Petitioner was found in possession of an iron *koyta* in breach of the prohibitory order under the Maharashtra Police Act,1951 and the order of his externment. Another crime is C.R.No.130/2025 registered with Hinjewadi Police Station under Sections 110, 115(2), 333, 352, 351(2), 324(4) of Bharatiya Nyaya Sanhita (BNS), 2023; Sections 4 read with 25 of the Arms Act; Sections 37(1)(c), 135 and 142 of the Maharashtra Police Act, 1951 and Section 3, 7 of the Criminal Law Amendment Act. The said C.R.No.130/2025 was registered on the premise that on 2nd March, 2025, at about 09:30 p.m., within the limits of Hinjewadi Police Station when the informant of that crime was present in his grocery shop, three persons were fighting in front of his shop. The informant went there and gave them an understanding not to quarrel. However, the Petitioner threatened the informant and thereafter ransacked his shop by means of *koyta*. When the informant objected the Petitioner, the latter abused him and gave a blow of *koyta* on his head.

9) This background led the police authority to make a discreet inquiry about the criminal activities of the Petitioner. During said inquiry, the police recorded the in-camera statement of witness 'A' and witness 'B'. The statement of witness

Witnesses 'A' and 'B' revealed that the Petitioner is addicted to liquor and of goon mentality. The Petitioner and his accomplice beat passerby and extort money from them. The Petitioner has created a reign of terror in that area. The witness 'A' stated that, one day, in May 2025, at about 10:15 p.m., the



Petitioner and his two associates abused him for doing his business saying that if he want to do the business in certain area, he shall seek his permission. When the witness 'A' showed his ignorance, the Petitioner abused him. Further, the three assaulted him, threw down all the items from his handcart and damaged his handcart. The people present nearby fled away due to their terror. Lastly, the Petitioner threatened him of closing his business if he complained to police.

10) The witness 'B' disclosed that in June 2025, at about 09:30 p.m., while he was returning home, a dispute had occurred between him and the Petitioner as the former told the Petitioner to ride his two wheelers properly. During that dispute, the Petitioner and his associate assaulted the witness 'B' and threatened to kill him, etc. The nearby people came forward to help. However, the Petitioner prevented them from helping by brandishing a knife and threatening of dire consequences. While leaving, the Petitioner threatened the witness 'B' if he complained to police.

11) The aforesaid background and the timeline of the crimes committed indicate that the Petitioner has been continuously involved in the criminal activities. His acts are such that he has created fear in the minds of neighbouring people residing within the jurisdiction of Hinjewadi Police Station, District Pune. Therefore the Petitioner falls within the definition of 'Dangerous Person'. There is a live and proximate link between the past conduct of the Petitioner and the immediate need to detain him in order to prevent the possibility of committing any crime in the future. Therefore, invocation of sub-section (2) of Section 3 of the Act in this case is proper. The Detention Order has been passed on consideration of



the material on record in correct perspective. There is nothing to find fault with the satisfaction recorded by the Detaining Authority to conclude that this is a fit case to pass the order of detention. On the contrary, the previous criminal activities of the Petitioner indicate his tendency or inclination to act in a manner prejudicial to the maintenance of public order therefore it has bearing on the subjective satisfaction recorded by the Detaining Authority to pass the order of the detention.

12) In the wake of the above, we do not find any illegality in the Detention Order and the consequent Committal Order so as to interfere with the same. As a result, the petition is liable to be dismissed and is accordingly dismissed.

[SHYAM C. CHANDAK, J.]

[CHIEF JUSTICE]

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