Case Analysis: Shaik Nazneen vs The State of Telangana

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ABSTRACT

The Supreme Court's judgment in *Shaik Nazneen vs. State of Telangana (2023)* is a seminal ruling on the limits of preventive detention. The Court quashed a detention order against an individual accused of multiple chain-snatching offences, holding that such acts, while criminal, constituted a "law and order" issue rather than a "public order" disturbance justifying the draconian measure of preventive detention. The Court reaffirmed the critical distinction between the two, emphasizing that isolated crimes against individuals, without evidence of widespread community panic disrupting the social fabric, do not meet the high threshold for preventive detention. It further condemned the state's resort to preventive detention following the grant of default bail, viewing it as an improper attempt to bypass prosecutorial failures in the ordinary criminal justice system. The judgment underscores judicial vigilance against the arbitrary use of preventive detention powers. Concurrently, the codification of "snatching" as a distinct offence under the new Bharatiya Nyaya Sanhita, 2023, provides a proportionate legislative remedy, reducing the need for such exceptional executive measures and reinforcing the synergy between judicial oversight and legislative reform in protecting liberty.

Keywords: Preventive Detention, Public Order, Chain Snatching, Default Bail, Bharatiya Nyaya Sanhita (BNS).

INTRODUCTION AND FACTS

Mr. Shaik Nazneen's preventive detention order, which was made under the Telangana Prevention of Dangerous Activities Act of 1986[41] (the Act), is the basis for the current appeal. The appellant filed a habeas corpus petition to challenge her husband.[42] The following are the facts, which are based on claims of organized chain-snatching crimes: On October 28, 2021, the Commissioner of Police, Rachakonda Commissionerate, issued a detention order under Section 3(1)[43] of the Act, declaring the detenu a "goonda" on the grounds that he had habitually

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[41] Telangana Prevention of Dangerous Activities Act, No. 1 of 1986, § 2(g) (India)
[42] Shaik Nazneen vs. the State of Telangana (2023) 9 SCC 633.
[43] Telangana Prevention of Dangerous Activities Act, No. 1 of 1986, § 3(1) (India)

committed offenses punishable under Chapter XVII[44] of the Indian Penal Code, 1860—specifically, robbery by chain snatching. The order was based on the detenu's supposed involvement in thirty-six chain-snatching cases since 2020 that targeted mainly female victims in Telangana and Andhra Pradesh. Supposedly run as a member of a four-man gang, using the following technique:

To find vulnerable targets, the gang would monitor residential neighborhoods, frequently choosing sites with inadequate street lighting or a low police presence. Motorcycles and two-wheelers were illegally taken from parked cars or establishments and used as escape cars. One gang member would drive the stolen car at high speed during the day next to a pedestrian, usually a woman wearing a gold chain, and Utilize momentum and surprise to quickly seize the chain and avoid opposition. After taking the chain, the snatcher would speed off, leaving the victim alone, while accomplices in other cars would distract and watch out for the victim. Although police records indicated the detenu's alleged participation in thirty-six offenses, the detention order specifically cited only four cases as the proximate basis for detention. These were registered at Medipally Police Station between May 6, 2021 and July 26, 2021:

- Crime No. 355 of 2021 under Sections 392, 411 read with Section 34 IPC;
- Crime No. 358 of 2021 under Sections 392, 411 read with Section 34 IPC;
- Crime No. 532 of 2021 under Section 392 read with Section 34 IPC;
- Crime No. 533 of 2021 under Sections 392, 411 read with Section 34 IPC.

In each of these four instances, the detenu had sought for and been granted default bail under Section 167(2)[45] CrPC on October 16, 2021, as the result. The chargesheets were not submitted by the prosecution within the legally mandated 60-day timeframe. The arrest order stated that the prisoner was free on bail when it was issued.

The detenu was described in the order as a repeat offender whose actions were detrimental to the upkeep of public order, and it was stated that the crimes were carried out in created widespread dread and terror in the minds of the populace, particularly women, in broad daylight. Additionally, it highlighted that preventative detention was deemed essential by the

[44] Indian Penal Code, 1860, ch. XVII (India).
[45] Code of Criminal Procedure, 1973, § 167(2) (India).

State to prevent future crimes, even with the existence of standard criminal law remedies (such as bail revocation and appeal).

The Advisory Board upheld the Commissioner's detention decision on January 13, 2022, within the legal window, in accordance with the Act, thus prolonging the validity of the detention. Thereafter, the appellant, on behalf of her detained husband, filed a habeas corpus petition (WP No. 35519 of 2021) before the Telangana High Court, challenging the constitutional validity of the detention order under Articles 21[46] and 22[47] of the Constitution of India. The High Court, in a Division Bench judgment dated March 25, 2022, dismissed the petition, upholding the order on the grounds that the detenu's involvement in multiple chain-snatching robberies justified the invocation of the Act's preventive detention provisions.

Aggrieved, the appellant approached the Supreme Court by special leave petition (SLP(Crl.) No. 4260 of 2022). The Supreme Court heard arguments about whether the detenu's chain-snatching crimes, which are already subject to regular criminal trial and bail, posed a sufficient threat to warrant the deprivation of his liberty. If there is a public order that justifies preventative detention, and if the prosecution's procedural errors may warrant limiting individual freedom via extraordinary authority. Following the Commissioner's detention order and the High Court's approval being both overturned, the Supreme Court granted the appeal on June 22, 2022. Though criminal, the detainee's behavior presented a law and order problem that could be addressed with conventional criminal methods instead of emergency risk. to public order requiring preventive detention.

ISSUES RAISED

1. Whether chain snatching cases involving robbery under Section 392[48] IPC constitute grounds for preventive detention under the Telangana Prevention of Dangerous Activities Act, 1986?
2. Whether the acts of the detenu in committing chain snatching offences were prejudicial to "public order" or merely affected "law and order"?

[46] INDIA CONST. art. 21.
[47] INDIA CONST. art. 22.
[48] Indian Penal Code, 1860, § 392 (India).

3. Whether preventive detention can be justified when the accused has been granted default bail due to prosecution's failure to file charge-sheets in time?
4. What is the legal distinction between "public order" and "law and order" in the context of snatching offences?

ARGUMENTS FROM BOTH SIDES

Petitioner's Arguments (Shaik Nazneen)

She differentiated law and order from public order by using the case of Ram Manohar Lohia v. State of Bihar[49] and claimed that the four factors that were relied upon were related to public order. The cases, Crime Nos. 355/2021, 358/2021, 532/2021, and 533/2021, under Sections 392, 411 read with 34 IPC, were instances of isolated property crime that targeted specific victims rather than society at large. The claim made by the arresting agency that women were afraid and panicked was unsupported by empirical data of widespread disruption, such as riots or changes in public conduct, making the order's rationale conjecture and inadequate.

Additionally, the petitioner challenged the categorization of the crimes as robbery under Section 390[50] of the IPC. She claimed that the snatches, which were carried out by surprise and with lightning speed without the use of weapons, violence, or fear-inducing techniques, constituted theft as defined by Section 378[51] of the IPC. This misclassification, which was established in K. N. Mehra v. State of Rajasthan[52], called into question the detenu's classification as a goonda under Section 2(g)[53] of the PD Act, which seeks to punish repeat offenders of severe Chapter XVII IPC violations. As a result, there was no legal basis for the arrest.

On October 16, 2021, after the default bail was granted under Section 167(2) CrPC, the order was issued, which was described as mala fide and a response to the prosecution's failure to submit charge sheets within the allotted time frame. The petitioner cited A. K. Gopalan v. State of Madras[54], and made the case that preventative detention cannot take the place of routine

[49] Ram Manohar Lohia v. State of Bihar, AIR 1966 SC 740.
[50] Indian Penal Code, 1860, § 390 (India).
[51] Indian Penal Code, 1860, § 378 (India).
[52] K. N. Mehra v. State of Rajasthan, AIR 1957 SC 369.
[53] Telangana Prevention of Dangerous Activities Act, No. 1 of 1986, § 2(g) (India).
[54] A.K. Gopalan v. State of Madras, A.I.R. 1950 SC 27.

criminal procedures like bail revocation or appeals. Contrary to the standards for clear and specific set by Article 22(5)[55], the property was uninteresting and lacked a direct connection to the approaching threat. Even though only four of the 36 events were listed, there was still communication.

Finally, the Advisory Board's confirmation was criticized as perfunctory, and the Telangana High Court's dismissal on March 25, 2022, failed to scrutinize the public order threshold. She supported her argument for relief with examples like Banka Sneha Sheela v. State of Telangana[56], where comparable snatching detentions were overturned. To prevent the misuse of draconian laws and protect individual freedom, the petitioner asked the Supreme Court to invalidate the judgment.

Respondents' Arguments (State of Telangana and Others)

The detention order was justified by the Telangana government as a necessary step to safeguard the public interest from a repeat offender who posed a serious danger. With four nearby instances as justification, they claimed that Shaik Ayub's participation in 36 chain snatching incidents since 2020 has harmed public order by causing widespread Fear, especially among women in metropolitan regions. In contrast to the isolated events in Ram Manohar Lohia v. State of Bihar[57], the State argued that the repeated, daylight thefts utilizing The PD Act's section 3(1) threshold was satisfied by a deliberate modus operandi (reconnaissance, stolen vehicles, and quick escapes) that disrupted social harmony and discouraged public movement. Police reports and victim statements substantiated this communal fear, justifying preventive action.

On the nature of the offenses, the respondents maintained that the snatches constituted robbery under Section 390 IPC. The use of momentum and surprise amounted to "criminal force" or induced momentary fear, aligning with Harbilas v. Emperor[58]. Ayub met the criteria for being a goonda under Section 2(g) of the PD Act since, regardless of whether they were carried out peacefully, his regular commission of offences under Chapter XVII of the IPC called for detention to stop recidivism.

[55] INDIA CONST. art. 22(5).
[56] Banka Sneha Sheela v. State of Telangana, (2021) 9 SCC 415.
[57] Ram Manohar Lohia v. State of Bihar, AIR 1966 SC 740.
[58] Harbilas v. Emperor, AIR 1936 All 193.

The State argued that the detention was not rendered invalid by the default bail under Section 167(2) of the CrPC, stressing that, in accordance with the Union of, preventative detention is anticipatory rather than punitive. As demonstrated in Vijay Narain Singh v. State of Bihar[59], bail does not alleviate the possibility of future danger. India v. Paul Manickam[60], where the detaining authority's subjective pleasure, based on current and pertinent information, was unaffected by prosecutorial delays. The directive followed Articles 21 and 22, with reasons given right away and approved by the Advisory Board on January 13, 2022.

Although the High Court's decision was on a different scale, it was consistent with Khaja Bilal Ahmed v. State of Telangana[61], which held that detention may be justified by recurring offences. The respondents warned the Court that reversing the ruling would endanger initiatives to address increasing urban crimes like snatching and urged the Court to strike individual freedom and social security must be balanced.

JUDGMENT

In its judgement of June 22, 2022 in Shaik Nazneen v. State of Telangana & Ors. allowed the appeal submitted by the petitioner, Shaik Nazneen, challenging the preventive detention order imposed on her spouse, Shaik, Ayub, under the Telangana PD Act. The bench, comprising Justice C.T. Ravikumar and Justice Sudhanshu Dhulia, set aside the detention order dated October 28, 2021, and the Telangana High Court's dismissal of the habeas corpus petition on March 25, 2022. The Court directed the immediate release of the detenu unless required in other cases.

The Court began by granting leave to appeal and outlining the factual context. Although the prisoner was granted default bail in all four of the chain snatching cases that were filed at Medipally Police Station in 2021, he was nonetheless held as a goonda. These actions, according to the detaining authority, prejudiced public order by fostering fear among women. The appeal was brought about by the High Court's decision to uphold the order, which the Advisory Board had approved.

[59] Vijay Narain Singh v. State of Bihar, (1984) 4 S.C.C. 549.
[60] India v. Paul Manickam, (2003) 8 SCC 342.
[61] Khaja Bilal Ahmed v. State of Telangana, (2020) 13 SCC 632.

The Court highlighted that preventive detention is an unusual step that infringes upon freedom under Articles 21 and 22 of the Constitution in its reasoning. It restated that the PD Act mandates that the detenu's conduct be prejudicial to public order, a phrase that is more limited than the law and The Court drew a distinction between law and order, which deals with specific offenses, and order, which deals with more general issues, citing Ram Manohar Lohia v. State of Bihar[62]. Large-scale interruptions that upset the community balance are a result of maintaining public order. Although frequent, the chain snatches were solitary property crimes that did not show signs of widespread terror or social upheaval. Although the Court emphasized that the crimes were more about theft than robbery and did not include violence, weapons, or harm, the main point was their effect on public order.

The Court criticized the State's resort to preventive detention post-bail, viewing it as a substitute for prosecutorial failures. Quoting Rekha v. State of T.N.[63], it stated that such laws must be used sparingly, not routinely for law and order issues. If the detenu posed a menace, the State could seek bail cancellation or appeal, as observed in paragraph 19: "However, the State has recourse in any case, such as if the prisoner poses a greater threat to the public than is now believed. if alleged, then the prosecution should petition for the revocation of his bail and/or submit an appeal to the Higher Court. However, under the circumstances and facts of the case, it is certainly not appropriate to seek refuge under the preventive detention statute." The Court cited comparable instances in which arrests for chain snatching were overturned, such as Banka Sneha Sheela v. State of Telangana[64] and In Telangana, there is a history of abuse, as noted by Mallada K. Sri Ram v. State of Telangana[65]. The four cases that were relied upon, it emphasized, did not show any prejudice to the public order, which made the authorities' subjective satisfaction questionable.

The Court ultimately ruled the detention unlawful because it did not meet the standard for public order and ordered release, thereby strengthening constitutional protections against arbitrary detention. This judgment, while addressing broader preventive detention concerns, underscores that non-violent snatching does not warrant such measures, setting a precedent for proportionate state action.

[62] Ram Manohar Lohia v. State of Bihar, AIR 1966 SC 740.
[63] Rekha v. State of T.N., (2011) 5 SCC 244.
[64] Banka Sneha Sheela v. State of Telangana, (2021) 9 SCC 415.
[65] Mallada K. Sri Ram v. State of Telangana, (2023) 13 SCC 537.

ANALYSIS

One of the most contentious and delicate areas of Indian constitutional law is still preventive detention. It symbolizes a conflict between two equally important demands: the state's obligation to maintain public safety and order and the fundamental rights of people protected by Part III of the Constitution. The framers of the Constitution permitted preventive detention in narrowly circumscribed circumstances, but the misuse of this exceptional power has been a recurring theme in Indian legal history.

The Supreme Court's decision in Shaik Nazneen v. State of Telangana serves as a prime illustration of this conflict. The arrest of a man suspected of committing chain snatching offenses in violation of the Telangana Prevention of Dangerous Activities Act was the subject of the case. The state defended its action by claiming that such crimes frightened and made the public feel unsafe, which disrupted public order. However, the Supreme Court overturned the arrest on the grounds that the claimed conduct did not meet the bar for a breach of the peace and that the The detention order was also marred by significant procedural flaws.

What is the reason for the Shaik The meeting between the legislative change and the Bharatiya Nyaya Sanhita (BNS), 2023, which for the first time established that the BNS is particularly noteworthy. The act of snatching was made into a separate criminal offense. The Indian Penal Code (IPC) did not have a particular provision for snatching under Indian legislation until the BNS went into effect in July 2024, which compelled courts to make judgments based on the IPC's general provisions and for the police to categorize it as theft or robbery, neither of which accurately reflected its character. As in Shaik Nazneen, the lack of a definite legal framework frequently gave executive officials the ability to misuse preventive detention legislation.
The judgment is thoroughly examined in this essay along with the Court's rationale, the factual basis of the detention, and the broader jurisprudential ideas reaffirmed. It also examines how snatching as a criminal offense has developed, comparing its ambiguous treatment under the IPC with its clearly recognized under the BNS. In the end, the paper contends that the Shaik Nazneen decision, when viewed in conjunction with the 2023 legislative changes, establishes a vital synergy between judicial vigilance and legislation. New ways to maintain public order while protecting individual freedom.

1. The Factual Matrix and the State's Justification

The detaining in Shaik Nazneen was based on the assertion that the detenu was complicit in a string of chain-snatching events. According to the detaining agency, such actions had disrupted public order by instilling widespread fear and terror in the populace. Four specific cases were cited, all registered within the jurisdiction of a single police station over a span of two months. The abrupt and violent character of these crimes has resulted in injuries and, in a few cases, deaths, and women have especially felt unsafe wearing jewellery in public settings. Therefore, from the standpoint of the state, habitual chain snatchers pose a threat not only to specific victims but also to the wider concept of public safety.

Despite not breaking public order, recent empirical data highlights the real social effect of systematic chain snatching. In September 2024, twin brothers were apprehended by the Delhi police in the Burari area for robbing a woman of her gold chain while she was out buying fruits, and they documented their arrest, which was carried out in order to help them overcome their alcohol and drug dependency.[66] In a similar vein, in June 2025, Hyderabad police detained seven people engaged in extortion and chain snatching and seized assets worth Rs 1. 5 lakh within minutes of the crime, with a focus on the prevalence and direct consequences of such crimes.[67] The attacks on religious places are the most concerning; an interstate snatcher in Hyderabad intentionally targeted temple visitors, performing reconnaissance close to temples to spot women wearing jewellery during. Morning prayers at a time when the roads were empty. These instances show a premeditated strategy that goes beyond simple opportunistic theft, the deliberate targeting of vulnerable groups at predictable times. However, courts have consistently ruled that this pattern-based crime, which affects hundreds of unique victims in numerous cities, is a matter of law and order. The Supreme Court's assessment in Shaik Nazneen that individual victimization, no matter how common, does not inevitably lead to communitywide disruption requiring preventive detention is supported by the fact that public order disturbances are less common.

Nevertheless, the Supreme Court stressed that public apprehension alone cannot support preventive detention. The constitutional and jurisprudential criterion is whether the conduct

[66] *Twins held for chain snatching in Delhi*, THE INDIAN EXPRESS (Sept. 24, 2024), https://indianexpress.com/article/cities/delhi/twin-brothers-held-chain-snatching-burari-motorcycle-seized-9587399/.

[67] *Hyderabad Police Detain Seven in Chain Snatching Case, Seize Assets Worth Rs. 1.5 Lakh*, TELANGANA TODAY (June 16, 2025), https://telanganatoday.com/hyderabad-trio-held-for-chain-snatching-in-tolichow.

disrupts the community's regular rhythm of life. According to the Court, the four incidents mentioned were isolated and did not have a widespread impact on public order. Prosecution in accordance with regular criminal law, not recourse to preventative detention, was the appropriate course of action.

2. Scrutinizing the Factual Causality

One key aspect of the judgment was the Court's focus on checking whether the alleged actions really justified the detention. Preventive detention depends on the authority's personal satisfaction, but that satisfaction must come from clear, relevant, and adequate evidence. In Shaik Nazneen, the Court found that the authority's inference, that four cases of chain-snatching created public disorder, was unsupported by objective reality. The Court reaffirmed the legal distinction that it initially established in Ram Manohar Lohia v. State of Bihar[68]. The touchstone continues to be Lohia's metaphor of three concentric circles, with security of the State in the center, public order in the middle, and law and order in the outside. Neighbourhood theft, for instance, may not disrupt public order unless it disturbs society's even pace.

According to this criterion, the chain snatchings mentioned were law and order issues rather than hazards to public order. The disproportionate use of power was clear in the detaining authority's attempt to raise local crime into a basis for preventive detention. Therefore, the Court's decision confirmed once again the need of judicial attention in guaranteeing that the executive's subjective pleasure does not become incontestable.

3. Procedural Dimensions: Default Bail and State Lapses

Equally significant was the procedural context of the detention. The detenu had been released on default bail under Section 167(2) of the Code of Criminal Procedure, 1973. This provision safeguards an accused's liberty by mandating release if the police fail to file a charge sheet within the statutory period. It is not a declaration of innocence but a procedural guarantee against indefinite custody.

The state, however, used this release as a justification for preventive detention, arguing that the detenu, once free, was likely to re-offend. The Supreme Court strongly rejected this reasoning. It held that the state could not rely on its own prosecutorial failure, the inability to file a charge

[68] Ram Manohar Lohia v. State of Bihar, A.I.R. 1966 S.C. 740.

sheet on time, as a ground to impose a more draconian form of detention. The correct remedy lay in challenging the bail order or seeking its cancellation, not in bypassing the criminal justice system.

This element of the decision emphasizes a fundamental constitutional tenet: that executive action must stay inside the confines of the law. Preventive detention should not be employed to address government inefficiency. Or else, the very system meant to safeguard individual freedom would gradually destroy the exceptional.

4. The Appropriateness of the Judgment and the Question of a "Better" Decision

The Supreme Court's decision was valid from a legal and constitutional perspective. It limited executive overreach, safeguarded the integrity of default bail, and strengthened the line separating public order from law and order. The decision does not, however, address all of the problems. Although only four of the detenu's more than 30 incidents of chain snatching were officially mentioned, the state claimed that he was a repeat offender. The Court correctly noted that even habitual lawlessness does not always pose a threat to public order. However, it did not articulate a clearer standard for determining when repeated law and order problems cumulatively amount to public order disturbances.

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Would a dozen chain-snatchings in a city over a short period qualify? What if one such incident leads to serious injury or death? When does public concern turn into social upheaval? The decision leaves these issues unanswered, allowing for executive manipulation while still maintaining flexibility. A more prescriptive ruling might have given clearer direction for future cases. However, the Court's adherence to the idea of proportionality ultimately prevailed. The state had proportionate remedies, prosecution, bail cancellation, and appeals, within the ordinary criminal process. Preventive detention, by contrast, was a disproportionate and unjustifiable shortcut. The Supreme Court's reluctance to craft a "snatching-specific" test for public order may have been a missed opportunity for judicial clarity.

The recent incidents such as a thief stole a gold necklace from an elderly lady inside Bengaluru's Ganesh Temple Prayer forced the woman's head against the window and sent

followers into panic in October 2024.[69] Two women were taken into custody in May 2025 for grabbing decorations from followers during peak worship hours in comparable incidents at Pune's well-known Dagdusheth Halwai Ganpati temple.[70] These cases, which happen within hallowed areas during religious rites, almost go over personal victimization and approach community upheaval. Should frequent snatching in delicate places—temples, schools, hospitals, or stores during holidays—ever cross the public order threshold? The Court's inaction to address this graduated analysis gives executive agencies no clear direction on when preventative measures could be justified by cumulative snatching occurrences.[71]

5. Snatching as a Crime: From IPC Ambiguity to BNS Codification

5.1 The IPC Framework

Before July 2024, the Indian Penal Code did not treat snatching as a separate crime. Law enforcement was forced to prosecute such offenses as either theft under Section 378 or robbery under Section 390. Both classifications were inadequate. Theft included taking someone else's belongings unlawfully, typically in secret, without their authorization. Snatching, by contrast, is overt, sudden, and involves direct interaction with the victim. On the other hand, robbery required the use of violence or threat of instant harm, which many snatching incidents did not meet. Thus, snatching occupied an ambiguous space between theft and robbery.

This confusion caused problems in practice. Prosecutors often found it hard to place snatching under the existing legal definitions, which led to uneven punishments. In some cases, offenders were treated only as simple thieves, while in others they were charged as robbers. Because of this lack of clarity, prosecutions became less effective, and authorities sometimes went as far as labeling repeat snatchers as threats to public order, using preventive detention against them.

5.2 The Bharatiya Nyaya Sanhita (BNS) Reform

The goal of the Bharatiya Nyaya Sanhita 2023 was to update Indian criminal law. One of its most important changes is that Section 304[72] now directly says that stealing is a crime. Snatching is described as stealing by forcefully, suddenly, or quickly taking movable goods

[69] *Thief Snatches Gold Necklace from Woman Inside Bengaluru Temple*, HINDUSTAN TIMES (Oct. 15, 2024), https://www.hindustantimes.com/cities/bengaluru-news/thief-snatches-gold-chain-from-woman-in-temple-101728969773026.html..

[70] *Two Women Held for Grabbing Decorations at Pune Temple*, INDIAN EXPRESS (May 5, 2025), https://indianexpress.com/article/cities/pune/2-women-chain-snatching-pune-temple-9984142/.

[71] Prakash, M., *An Effective Method for Preventing Chain from Snatching*, 7 INT'L J. ENG'G & TECH. 130 (2018).

[72] Bharatiya Nyaya Sanhita, 2023, § 304, No. 45, Acts of Parliament, 2023 (India).

from a person or their belongings. This definition includes three main parts: the intent to deceive, suddenness or force, and direct action against the victim or their property. By coding these traits, the BNS is able to identify snatching as more than simple theft but less than violent robbery. With the offense categorised as cognizable, nonbailable, and noncompoundable, the penalty suggested, up to three years' imprisonment and a fine, reflects its severity while preserving proportionality. The categorization guarantees that snatching is handled sternly but not confused with violent robbery.

The legislative journey toward codifying snatching reflects India's evolving socio-legal priorities in addressing urban crime. In Report No. 246 (2023)[73], the Parliamentary Standing Committee on Home Affairs notably noted that a new section 302 has been added providing to address the crime of snatching, which has recently become very prevalent, especially chain snatching or mobile snatching, imprisonment extensible to three years. There had been no mechanism to handle snatching before. Increasing concerns over urban property crimes not sufficiently covered by the IPC clauses then in force sparked this legislative acknowledgment. The Committee meetings demonstrated how little annoyance had grown into a major public safety problem, especially affecting senior citizens and women in cities, by means of snatching. The explicit mention of "chain snatching" and "mobile snatching" demonstrates the legislature's awareness of technological and social changes, smartphones as valuable portable property and gold jewellery as traditional targets.

Parliamentary discussions stressed how the uncertainty between theft and robbery categories had made both under prosecution and improper preventive detention possible, as shown in examples like Shaik Nazneen. The BNS reform thus reflects a deliberate policy decision to give reasonable criminal penalties that obviate executive resort to unusual detention powers rather than only legal technological modernization. Therefore, the BNS reform is more than just a technical update to the legislation; it is a conscious policy choice meant to guarantee that crimes are punished proportionately and lessen the need for the administration to use its extraordinary powers of preventative detention.

5.3 The Impact of Codification

[73] STANDING COMMITTEE ON HOME AFFAIRS, PARLIAMENT OF INDIA, REPORT NO. 246 (2023).

One important legislative response to a serious urban crime is the codification of snatching. It makes law enforcement's job easier, gives judges and prosecutors clarity, and gives offenders proportionate remedies. Most significantly, in situations of repeated snatching, it lessens the basis for preventive detention. Had Section 304 BNS existed during the events in Shaik Nazneen, the state could have relied on a clear statutory provision to prosecute the detenu. The temptation to resort to preventive detention, born of legal ambiguity, would have been diminished. Thus, the BNS reform and the Shaik Nazneen judgment together demonstrate the dynamic interaction between judicial oversight and legislative innovation.

One important legislative response to a serious urban crime is the codification of snatching. It makes law enforcement's job easier, gives judges and prosecutors clarity, and gives offenders proportionate remedies. Most significantly, in situations of repeated snatching, it lessens the basis for preventative detention. The state could have prosecuted the detenu based on a clear statutory requirement if Section 304 BNS had been in effect at the time of the Shaik Nazneen occurrences. It would have reduced the inclination to use preventative detention, which stems from legal uncertainty. Therefore, the BNS reform and the Shaik Nazneen ruling show how judicial supervision and legislative innovation interact dynamically.

PRECEDENTIAL VALUE AND REGIONAL IMPACT

The ruling highlights judicial review of executive action and fortifies the right to freedom. Particularly in Telangana, where the Supreme Court has frequently attacked the regular abuse of preventive detention legislation, it sends a strong message to state officials. The Court is forcing an executive practice recalibration by rejecting detention orders founded on weak reasons.

Equally, the judgment strengthens the jurisprudence on default bail, making it clear that prosecutorial lapses cannot be weaponized against the accused. This principle will serve as an authoritative guide for lower courts. At a regional level, the judgment is a cautionary tale for states inclined to use preventive detention as a policing shortcut. It reaffirms that ordinary criminal law, now strengthened by the BNS's codification of snatching, provides adequate tools for dealing with habitual offenders.

CONCLUSION

The judiciary's function as the protector of constitutional liberty is best illustrated by the Supreme Court's ruling in Shaik Nazneen v. State of Telangana. The Court upheld the sanctity of default bail and the important distinction between public order and law and order by carefully examining the detention's factual and procedural foundation. Preventive detention must continue to be an extraordinary measure, not a replacement for vigilant policing and prosecution, as the ruling makes clear.

At the same time, the legislative codification of snatching under the BNS addresses a long-standing gap in Indian criminal law. By explicitly defining and criminalizing snatching, the law now provides a proportionate and precise remedy for a crime that is both prevalent and socially disruptive. This reduces the temptation for executive authorities to misuse preventive detention in such cases. The Shaik Nazneen ruling and the BNS reform show how new laws and careful judges can work together. By strengthening the constitutional balance between individual freedom and public order, they make sure that India's criminal justice system stays fair and effective.

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