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WP-29660-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

&

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 24th OF JULY, 2026WRIT PETITION No. 29660 of 2026*RANJEET JAT @ RANJEET KISANWANSHI**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Jayesh Gurnani, learned counsel for the petitioner.

Shri Pradyumna Kibe, learned counsel for the respondent/state.

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ORDER

Per. Justice Subodh Abhyankar

The present petition is filed in the nature of habeas corpus seeking following reliefs:-

7.1 That, the instant writ petition may kindly be allowed and the respondents may kindly directed to release the detenu Mr. Radheshyam Jat and Mr. Surendra Yadav forthwith

7.2 That, the respondents may kindly be directed to pay appropriate compensation of Rs. 5,00,000/- to the petitioner and detenus for violating their fundamental as well as legal rights by illegally detaining the detenus and for causing unnecessary hardship

7.3 That, departmental inquiry and penal action may kindly be initiated against the respondents and their subordinate police officers for illegally detaining the detenus

7.4 That, the cost of this petition may kindly be awarded to the petitioner and any other relief which this Hon'ble Court considers appropriate in the light of equity, justice and good conscience may also be granted in favour of the petitioner."

2. The petitioner happens to be a member of the National Educated Youth Union (NEYU) registered under the provisions of Madhya Pradesh Society Registrikaran Adhiniyam, 1973, of which corpuses namely Radheshyam Jat and Surendra Yadav (hereinafter referred as "Detenus") are



also members. According to the petitioner, the detenues have been detained at the instance of the Assistant Commissioner of Police for their proposed peaceful protest, which they intended to carry out, which was scheduled to be held on 23.07.2026 and for that purpose, a representation was also made to the Assistant Commissioner of Police Zone 4, stating that then wanted to organize procession in support of the students who were protesting in support of their demands at Jantar Mantar at New Delhi to show their solidarity with the students of New Delhi, this representaiton was sent to the concerned police station from where the procession was to proceed. However, instead of granting them the permission, both the detenues have been detained.

3. Yesterday, when the matter came up for hearing before this Court, it was also directed to the counsel for the respondent/state to file their reply and today the reply has been filed, contending that the detenues have been detained under section 170 of BNSS with a condition of release also, which are mentioned in the order by the Assistant Commissioner of Police dated 23.07.2026. Thus, no case for interference is made out in the present case as the petitioner has other remedy against the order passed under section 170 of BNSS.

4. In response, counsel for the petitioner has submitted that the condition imposed by the Assistant Commissioner of Police cannot be fulfilled by the detenues for the reasons that apart from the bail bonds and surety, it is also directed that a government servant must also furnish the bail of the detenues and only then they may be released on bail; otherwise, they



will be sent to jail.

5. Learned counsel for the respondent/state on the other hand, submitted that it was the discretion of the Assistant Commissioner of Police to pass the order and the conditions have also been imposed taking into account the previous conduct of the detainees in the year 2024, wherein the detainees had also tried to disturb the peace by violent protest.

6. Having considered the rival submissions and on perusal of the record, it is apparent that the detainees have been detained under section 170 of BNSS and have been asked to furnish the bail bond as provided under section 130 of BNSS. The relevant part of the order reads as under :-

"अनावेदक को धारा 130 भा0ना0सु0स0 के अधीन आदेश दिया गया कि वह जॉच समाप्त होने तक परिशांती कायम रखने के लिए 1,00,000 रुपये (एक लाख रु.) की प्रतिभूति एवं 1,00,000 रुपये (एक लाख रु.) का बंधपत्र व शासकीय कर्मचारी द्वारा जमानत स्वरूप जमानत प्रस्तुत कर देते हैं तो उक्त अनावेदक को अभिरक्षा से मुक्त किया जायेगा अन्यथा अनावेदक को जेल भेजा जावेगा।

अनावेदक की ओर से अधिवक्ता श्री बादल जैन के उपस्थित हुए स्वयं का मेमो, बंध पत्र मुचलका प्रस्तुत किया। अनावेदक द्वारा सुनवाई के दौरान धारा 130 भा0ना0सु0स0 में जारी आदेश के पालन में शोध क्षमता योग्य प्रतिभूति सहित रुपये 1,00,000/- का बंध पत्र का आदेश पालन करने में असफल रहने पर अनावेदक के विरुद्ध निरुद्धादेश अधीक्षक जिला जेल को संबोधित कर जारी किया।

अनावेदक राधेश्याम उर्फ राधे जाट पिता दयाराम जाट उम्र 38 साल नि. एम्पायर विकट्री न्यू आर.टी.ओ. रोड भंवरकुआ इन्दौर का जेल निरुद्ध आदेश थाना भंवरकुआ प्रधान आरक्षक 113 कमलेश आरक्षक 1865 धर्मेन्द्र को मय अनावेदक के जिला जेल प्रेषित करने हेतु सुपुर्द किया गया।"

(emphasis supplied)

7. A perusal of the order indicates that although the detainees are directed to be released upon providing a bail bond as prescribed, this Court believes that the requirement in the said order for a government servant to furnish the bond is one that the detainee will likely be unable to meet. Any government servant concerned about his/her job would be unlikely to provide bail bonds for the detainees. Therefore, such condition imposed upon



the detenues amounts to a denial of bail.

8. The grant of bail subject to onerous conditions, is ordinarily in exceptional circumstances and cannot be as a matter of course, in “*Yashik Jindal vs. Union of India*” reported in 2023 SCC Online SC 417, under similar circumstances, this Court had observed as follows:

“3. This Court has deprecated imposition of such onerous conditions previously- notably in the recent order in “Subhash Chouhan v. Union of India” (Criminal Appeal No. 186 of 2023) decided on 20.01.2023.

4. Following the order in Subhash Chouhan v. Union of India, the condition requiring the petitioner to deposit Rs.2 crores is hereby set aside. The Court is informed that the petitioner had borrowed sums of money and deposited the same. It is open for them to seek withdrawal/refund of such amounts. They shall, however, comply with the other conditions imposed on them.”

9. Although the present petition is in the nature of habeas corpus, however, considering the fact that the detenues have been detained and an onerous condition has been imposed by the impugned order, instead of relegating them to take course of other remedy available to them under the law, we are inclined to allow the present petition with a direction that the detenues be released on bail upon furnishing a personal bond in the sum of Rs.50,000/- (rupees fifty thousand) each with one solvent surety each of the like amount to the satisfaction of the trial Court/concerned authority for their regular appearance before the said Court/concerned authority during trial with a condition that they shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

(SUBODH ABHYANKAR)
JUDGE

(ALOK AWASTHI)
JUDGE

