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WP-5831-2026

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

&amp;

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 23<sup>rd</sup> OF FEBRUARY, 2026WRIT PETITION No. 5831 of 2026*LIMA @ RIYA SHEIKH**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Ms. Shanno Shagufta Khan - Advocate for the petitioner.

Shri Sonal Gupta - AAG for respondent/State.

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ORDER

*Per. Justice Vijay Kumar Shukla*

1. The present writ petition/Habeas Corpus is filed under Article 226 of the Constitution of India by a citizen of Bangladesh, seeking following reliefs :-

*"(a) Issue an appropriate writ, order, or direction, including a writ of Habeas Corpus, directing the respondents to forthwith release the petitioner from illegal and unconstitutional detention and place him/her under the care and supervision of a recognized organization or institution;*

*(b) Direct that, while the petitioner remains under such supervision, the trial proceedings be expedited and concluded within a period of six months, particularly in view of the fact that the petitioner has already undergone more than six years of incarceration;*

*(c) Declare that the continued detention of the petitioner, despite grant of bail and prolonged inaction of the prosecution, is*



*arbitrary, unjust, illegal, and violative of Article 14 and 21 of the Constitution of India,*

*(d) Direct the respondents to coordinate with the concerned Embassy, FRRO, and competent authorities, and to establish contact with the petitioner's parents/family members, for taking necessary steps towards lawful repatriation and rehabilitation of the petitioner;*

*(e) Direct that the entire period spent by the petitioner in jail/detention center be treated and counted as judicial custody, and that all consequential legal benefits be granted accordingly;*

*(f) Direct the respondents to grant just, fair, and adequate compensation to the petitioner for prolonged illegal detention, undue delay, and violation of fundamental rights;*

*(g) Direct initiation of an independent inquiry against the officials responsible for negligence, abuse of authority, and unlawful detention of the petitioner, and to take appropriate disciplinary action; and*

*(h) Pass any other order(S) as this Hon'ble Court may deem fit and proper in the interest of justice."*

2. This Court on 20.2.2026, directed the counsel for the State to obtain instructions in the matter. On instructions, the learned Additional Advocate General for the State submitted that the petitioner is an accused of Crime No.70 of 2020, for commission of offence punishable under Sections 346, 347, 323, 364-A, 506, 34 of the Indian Penal Code, Sections 14(a), 14(b) and 14(c) of the Foreigners Act and the Passports Act, 1967.

3. The petitioner was granted bail by this Court vide Annexures P/4 and P/5. However, since the trial is not concluded therefore, as per the provisions of the Foreigners Act, 1967 and the Foreigners Order, 1948, she has been kept temporarily in detention center in District Jail, Indore. He further pointed out that an order has been passed by competent authority /



District Magistrate, Indore granting permission to keep her temporarily in detention center. He produced copy of the order passed by the District Magistrate, Indore and also a letter written by Assistant Police Commissioner, Heera Nagar Zone, Indore to the Office of the Advocate General, Indore. So far the relief No.7(a) is concerned, we are not inclined to grant the said relief, as the petitioner is in the detention center and not in jail.

4. It is not in dispute that the trial is still pending and the presence of the petitioner may be required at any time during the trial and considering the present international scenario, it is for her safety to keep her in detention center. However, so far for relief No.7(b) is concerned, considering the fact that the trial is pending for more than six years, we observe that the counsel for the State will direct the prosecution agency to expedite the trial within a period of six months from the date of receipt of certified copy of the order by producing the witnesses etc. However, if there is no progress in the trial within the aforesaid period, then liberty is granted to the petitioner to file a fresh petition in this regard for expediting the trial.

5. Copy of this order be also produced before the concerned trial Court.

6. With the aforesaid, the petition stands disposed off.

(VIJAY KUMAR SHUKLA)  
JUDGE

(ALOK AWASTHI)  
JUDGE

SS/-