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WP-10085-2026

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,  
CHIEF JUSTICE

&amp;

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 20<sup>th</sup> OF MARCH, 2026

WRIT PETITION No. 10085 of 2026

*SMT. AARTI SHARMA*

*Versus*

*THE STATE OF MADHYA PRADESH AND OTHERS*

.....  
Appearance:

*Shri Saket Agrawal - Advocate for the petitioner.*

*Shri Anubhav Jain - Government Advocate for the respondents/State.*  
.....

ORDER

*Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice*

Petitioner has filed the subject writ petition seeking Habeas Corpus for production of her husband Shri Rakesh Sharma. It is contended that he is in illegal detention for the reason that he has not been produced before the concerned Magistrate having territorial jurisdiction.

Husband of the petitioner was an accused in a case Crime No.180/2022, registered at Police Station Rampura, District Neemuch for offence punishable under section 420 of IPC. He was taken into custody on 04.12.2025. Subsequently, on 07.01.2026 the husband of petitioner was formally arrested being an accused in a case Crime No.183/2025, registered at Police Station Harpalpur, District Chhatarpur.

The contention of the petitioner is that since the husband of petitioner



was arrested on 07.01.2026 in Crime No.183/2025, he should have been produced before the Magistrate within 24 hours and since he was not produced, he is in illegal detention. It is submitted that production warrant was issued by the concerned Magistrate, however, he was produced only on 06.03.2026 and thereafter has been remanded to police custody. He submits that the detention of the husband of petitioner from 08.01.2026 till 06.03.2026 is illegal and as such he should be released in exercise of powers under Article 226 of the Constitution of India.

We may note that the husband of petitioner was first arrested and detained in Crime No.180/2022 on 04.12.2025. While he was in custody in the said case he was formally arrested in Crime No.183/2025 on 07.01.2026. On 27.01.2026 in Misc.Criminal Case No.59272/2025 the husband of petitioner was directed to be released on bail upon furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like amount to the satisfaction of the trial court, however, till date, said bail order has not been complied with and the husband of petitioner has not furnished the personal bond and one surety, as directed while granting bail to the husband of the petitioner.

Since the condition imposed while granting bail to the husband of petitioner till date has not been complied with, the husband of petitioner continues to be in custody in Crime No.180/2022 and as such it cannot be said that the custody of husband of petitioner is illegal or wrongful.

In so far as Crime No.183/2025 is concerned, the husband of petitioner though formally arrested on 07.01.2026, he was taken in custody on the date



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of production on 06.03.2026. Till the bail bonds are furnished in terms of order dated 27.01.2026, it cannot be said that the custody of husband of petitioner is illegal or wrongful and as such no Habeas Corpus can be issued in the facts and circumstances of the case.

Petition is accordingly dismissed having no merits.

**(SANJEEV SACHDEVA)**  
**CHIEF JUSTICE**

**(VINAY SARAF)**  
**JUDGE**

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