

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

WP No. 46745 of 2025

(AKASH TIWARI Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 04-12-2025

*Shri Neeraj Kumar Soni, learned counsel appearing through V.C. with
Shri Arun Kumar Mishra, learned counsel for the petitioner.*

*Shri Sudeep Bhargava, learned Deputy Advocate General for the
respondents/State.*

This is petition in the nature of habeas corpus alleging that the brother-in-law of the petitioner namely Raja Dubey was illegally detained and handcuffed by the respondent No. 4 without registering any offence on 26.11.2025. A photograph taken from mobile has been filed along with the writ petition which shows the person in red and white colour shirt/jacket, who is undisputedly Raja Dubey.

Considering the aforesaid, this Court on 02.12.2025 directed the personal appearance of the concerned SHO namely Shri Indramani Patel, Station House Officer, Police Station - Chandan Nagar, Indore to remain present before this Court today. Counsel for the State was also directed to keep the CCTV footage of 26.11.2025 and 27.11.2025.

Counsel for the State submitted that the CCTV footage as directed by this Court are available and has been kept in pen drive.

On being asked, Shri Patel, S.H.O. did not dispute the fact that the said person Raja Dubey was detained in the police station and was also handcuffed. He submitted that looking to the seriousness of the alleged

offence by the father, the detinue and because the main accused was not being traced away and on the persuasion of the victim family, the person was called in police station and was detained and in order to avoid his fled away from the police station, he was also handcuffed. However, he fairly admitted that no order was obtained from the competent Court of law for handcuff.

Considering the aforesaid, we find that the action of Shri Indramani Patel, Station House Officer, Police Station - Chandan Nagar, Indore is in gross violation of the fundamental right to life of a citizen guaranteed under Article 21 of the Constitution of India and his serious illegal act, as the facts are not disputed in the present case, therefore, the Commissioner of Police, Indore is directed to submit a response that what departmental action and criminal action is proposed against the said officer.

List the matter on 09.12.2025.

Copy of this order will be communicated by the counsel for the State to the Commissioner of Police, Indore.

(VIJAY KUMAR SHUKLA)
JUDGE

(BINOD KUMAR DWIVEDI)
JUDGE

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