

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.571 OF 2026

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| 1. Anna Khatun @ Anna Khan |] |
| 2. Aalo Khatun Gazi @ Aalo Davre |] |
| 3. Kiya Gazi @ Kiya Rafiqul Islam Khan |] |
| All residents of Bangladesh and presently |] |
| lodged in Mumbai District Ladies Jail |] .. Petitioners |

Versus

- | | |
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| 1. Union of India, |] |
| Through Ministry of Home Affairs |] |
| 2. The State of Maharashtra, |] |
| Through the Home Department |] |
| 3. Commissioner of Police, Navi Mumbai |] |
| 4. Senior Inspector of Police, |] |
| Panvel City Police Station, Navi Mumbai |] |
| 5. Foreigners Regional Registration Officer |] .. Respondents |

Mr. Mohammed Juned with Mr. Mohd. Taha and Ms. Sejal Jain,
Advocates for the Petitioners.

Mrs. S.S. Halwasia with Mr. S.K. Halwasia, Advocates for
Respondent Nos.1 and 5.

Mr. J.P. Yagnik, Additional Public Prosecutor for Respondent
Nos.2 to 4.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

DATE : 12TH FEBRUARY 2026.

P.C. :

The following prayers have been made by the petitioners who
are Bangladeshi nationals who were arrested on 5th May 2025:-

*“a. To issue a writ of mandamus or any other appropriate writ, order
or direction directing respondent nos.4 and 5 to initiate, complete
and conclude deportation proceedings arising out of FIR
No.0231/2025 within four (4) weeks and thereafter deport the
petitioners to Bangladesh in accordance with law;*

- b. In the alternative, to release the petitioners on bail/interim liberty pending deportation;*
- c. Pending the hearing and final disposal of the present petition, transfer the petitioners, including women and children, to a designated Foreigner's Detention Centre;*
- d. To declare that the continued detention in regular prison is arbitrary and unconstitutional;*
- e. To declare that the detention without time-bound deportation is illegal and violative of Article 21;*
- f. To grant ad-interim reliefs in terms of prayers (a) and (b);*
- g. To pass such other orders as this Hon'ble Court deems fit;*
- h. To dispense with filing of affidavit as the petitioners are in judicial custody."*

2. This writ petition is bereft of foundational facts except stating that the allegations made in the First Information Report are mere suspicion and conjectures and they were arrested on 5th May 2025. The petitioners do not refer to any relevant fact in support of the prayers made by them. It is admitted by the petitioners that they are in judicial custody and their bail applications have been rejected. More so, a prayer for declaration as to their detention is untenable. The other prayer made in this writ petition to conclude the deportation proceedings in a time-bound manner and transfer the petitioners to a Foreigners' Detention Centre is also not amenable to writ jurisdiction. There is no allegation by the petitioners that the extant clause relating to confinement of the foreign nationals in the Foreigners' Detention Centre has been violated. There is also no allegation against any respondent-authorities who have failed to discharge their statutory obligation under any statute. We are quite conscious that any further observation by this Court may prejudice the case of the petitioners. Therefore, we would simply dismiss this writ petition with liberty to the petitioners to avail of a statutory remedy as available to them in law.

3. Writ Petition No.571 of 2026 is dismissed with the aforesaid liberty.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]