

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR
राजस्थान उच्च न्यायालय

S.B. Criminal Writ Petition No. 224/2026

1. Islam Khan S/o Shri Ajeej Khan, Aged About 31 Years, R/o.basanpeer Juni, Jaisalmer, Rajasthan.
2. Bay Khan S/o Shri Kabal Khan, Aged About 33 Years, R/obasanpeer Juni, Jaisalmer, Rajasthan.
3. Subhan Khan S/o Shri Sadak Khan, Aged About 71 Years, R/obasanpeer Juni, Bhagu Ka Gaon, Jaisalmer, Rajasthan.
4. Rane Khan S/o Shri Jangi Khan, Aged About 60 Years, R/o Basanpeerjuni, Jaisalmer, Rajasthan.
5. Basir Khan S/o Shri Lukaman Khan, Aged About 28 Years, R/o Basanpeer Juni, Jaisalmer, Rajasthan.
6. Sankar Khan S/o Shri Bhage Khan Khan, Aged About 29 Years, R/o Basanpeer Juni, Jaisalmer, Rajasthan.
7. Hasiyat W/o Shri Gulam Khan, Aged About 55 Years, R/o Basanpeer Juni, Jaisalmer, Rajasthan.
8. Tija W/o Shri Adat Khan, Aged About 37 Years, R/o Basanpeer Juni,jaisalmer, Rajasthan.
9. Hura W/o Shri Ramjan Khan, Aged About 31 Years, R/o Basanpeer Juni, Jaisalmer, Rajasthan.
10. Jama D/o Nure Khan, Aged About 25 Years, R/o Basanpeer Juni,jaisalmer, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through Secretary, Department Ofhome, Govt. Of Rajasthan, Jaipur.
2. Director General Of Police, Rajasthan, Jaipur.
3. Inspector General Of Police, Range Jodhpur, District- Jodhpur.
4. Superintendent Of Police, Jaisalmer, District- Jaisalmer.
5. Sho, Police Station-Sadar Jaisalmer, District- Jaisalmer.
6. Sho, Police Station-Kotwali Jaisalmer, District- Jaisalmer.
7. Investigation Officer, First Information Report No- 75/2025 Police Station-Sadar Jaisalmer, District- Jaisalmer.
8. Bagaru Ram Station House Officer (Sho), Police Station



Sadarjaisalmer, District- Jaisalmer Rajasthan.

----Respondents

For Petitioner(s) : Mr. Sarwar Khan

Mr. Rajak Khan

Mr. Devkinandan Vyas

For Respondent(s) : Mr. Deepak Choudhart, AAG

Mr. SR Choudhary, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

1. Heard learned counsel for the parties and perused the pleadings, the submissions advanced in the writ petition, and the annexed material, including photographs depicting several individuals, inclusive of women, allegedly taken by the police authorities.

2. The grievance raised before this Court discloses a deeply disturbing practice which, according to the petitioner, has now become alarmingly routine. It is alleged that whenever a person is arrested on accusation of commission of an offence, the police compel such arrestee(s) to sit at the entrance or in front of the gate of the police station, thereafter taking coloured photographs and circulating the same widely through newspapers and various social media platforms.

2.2 Even more egregious are the allegations that, in certain instances, the accused persons are forced to strip themselves and



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are made to sit in a humiliating state, clad only in undergarments, while photographs are taken and disseminated.

3. Learned counsel for the petitioner invited the attention of this Court to photographs annexed with the writ petition, wherein several women are seen sitting at the entrance of a police station.


It is contended that among them are unmarried young girls, whose photographs have been circulated indiscriminately on social media platforms and in local newspapers, thereby portraying them as criminals before the public at large. It is urged that such publication is carried out solely to malign their reputation, without there being any adjudication of guilt by a competent court of law.

4. At this stage, it is apposite to reiterate that an accused is merely an accused and not a convict. The constitutional presumption of innocence remains intact unless displaced by a finding of guilt recorded after a fair trial. Any act which publicly parades an accused as a culprit, prior to such adjudication, strikes at the very root of constitutional morality and rule of law.

5. Article 21 of the Constitution of India guarantees not merely the right to life, but the right to live with dignity, honour, and self-respect. The right to dignity does not evaporate upon arrest. Even a person accused of an offence continues to be clothed with basic human rights. Forcing an arrestee to sit on the floor, stripping or partially disrobing such person, photographing him or her in a degrading condition, and thereafter circulating those images on social media or in newspapers, amounts to institutional humiliation and a direct assault on human dignity.

5.1 The damage caused by such acts is neither speculative nor transient. Once such photographs are released into the digital and public domain, the stigma attaches permanently. In the case of unmarried women, the consequences can be devastating, affecting their prospects of marriage, social acceptance, and psychological well-being. Even if the accused is ultimately acquitted, the scar inflicted upon reputation and social standing is often irreparable. The Constitution does not countenance such irreversible injury at the hands of the State. Significantly, neither the Code of Criminal Procedure, nor the Bharatiya Nagarik Suraksha Sanhita, nor the Police Act or the Rules framed thereunder confer any authority upon the police to indulge in such conduct. The acts complained of are *prima facie* arbitrary, illegal, and reflective of unbridled caprice, wholly unbecoming of a disciplined force entrusted with the protection of citizen's rights. This Court may observe that any infringement of fundamental rights cannot be tolerated being a sentinel and the guardian of constitutional liberties. The issue raised in the present petition discloses a serious and systemic threat to the fundamental right to life with dignity.

6. At this juncture, learned counsel Mr. Devkinandan Vyas standing in the Court seeks for permission to appear as an intervener, submitted that such practices have become rampant. He draws the attention of this Court to a news item published in yesterday's edition of *Dainik Bhaskar*, reporting the arrest of a practising advocate by Udaimandir Police Station, Jodhpur Commissionerate, wherein the advocate was made to sit in front of the police station gate and his photograph was made viral. It is

urged that compelling an arrestee to submit to such public humiliation gravely tarnishes his image in society and constitutes a gross violation of the fundamental right to live with dignity.

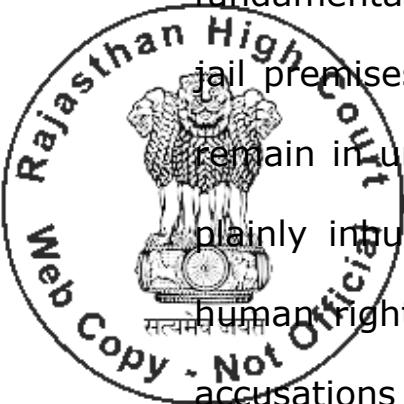
7. This Court takes judicial notice and cognizance of the said news report, as it raises serious concerns touching upon the fundamental rights of citizens. It is further submitted that within jail premises also, arrestees are allegedly compelled to strip and remain in undergarments while confined in cells. Such conduct is plainly inhuman, degrading, and violative of the bare minimum human rights guaranteed to every individual, irrespective of the accusations against him.

7.1 This Court is of the view that the alleged act is not only inhumane in nature but also strikes at the very root of basic human rights and amounts to a clear infraction of the constitutional guarantees enshrined under the law.

8. Accordingly, learned Additional Advocate General, Mr. Deepak Choudhary, is directed to accept notice on behalf of the respondents and file a response to the writ petition.

9. The Superintendent of Police, Jaisalmer, shall file an affidavit specifically responding to and negating the aspersions levelled in the writ petition.

10. In the interregnum, the Superintendent of Police, Jaisalmer, is directed to make all necessary arrangements to ensure immediate deletion and removal of photographs and related content of arrested persons from web portals, social media handles, and other platforms, if uploaded on their behalf.



11. Accordingly, the Commissioner of Police, Jodhpur, is directed to immediately remove the photographs of Advocate Mohan Singh Ratnu from all web portals, social media platforms, and any other medium where the same are available. The compliance shall be ensured within 24 hours and shall be reported to this Court on the next date of hearing. It is further directed that a detailed reply shall be filed to satisfy this Court that adequate, effective and institutional safeguards have been put in place so as to ensure that such incidents, as noticed hereinabove, are not repeated in future within the jurisdiction of Police Commissionerate, Jodhpur.

12. Let the name of learned counsel Mr. Devkinandan Vyas be reflected in the cause-list as *Amicus Curiae*.

13. List the matter on 28.01.2026.

(FARJAND ALI),J

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