

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CrMP (M) No. : 995 of 2025

Reserved on : 20.05.2025

Decided on : 23.05.2025

...Applicant

Versus

State of Himachal Pradesh & Another

...Respondents

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?¹

For the applicant : Mr. Ajay Kochhar, Senior Advocate with Ms. Swati Sharma & Mr. Anubhav Chopra, Advocates.

For the respondents : Mr. Tejasvi Sharma, Additional Advocate General with Mr. Rohit Sharma, Deputy Advocate General, assisted by ASI Suneet Kumar, Police Station Dharamshala, for respondent No.1.

Complainant/respondent No.2
through Video Conferencing.

Virender Singh, Judge.

Applicant-_____, has

filed the present application, under Section 483 of the

¹ *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), with a prayer to release him on bail, during the pendency of the trial, arising out of FIR No.53 of 2025, dated 25.03.2025, registered, under Sections 64(1) and 69 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the 'BNS'), with Police Station Dharamshala, District Kangra, H.P.

2. According to the applicant, he is innocent person and has falsely been implicated by the police, in the present case.

3. As per the applicant, a zero FIR, was lodged by complainant/respondent No.2, which was initially registered on 24.03.2025, with Narsingi Police Station, District Cyberabad Rangareddy, Telangana. Thereafter, the said application was registered with Police Station Narsingi Telangana, on the basis of the order passed by the learned Judicial Magistrate First Class, Cyberabad at Rajen Dranagar.

4. The applicant was arrested in the said FIR on 2.4.2025. According to him, he has nothing to do with the allegations levelled against him. Elaborating his stand, he

has further pleaded that the prosecutrix claimed to have met the applicant on a social media Bumble App, with the alleged hope of finding a suitable partner, whereas, according to the applicant, Bumble App is not a matrimonial site.

5. All the allegations, according to the applicant, with regard to the sexual abuse are stated to be false. Respondent No.2-prosecutrix is stated to be a matured lady, aged about 31 years and serving in a private organization and also a solo traveller.

6. All these facts, have been highlighted to establish his case that it cannot be presumed from such a mature and working lady, without verifying complete credentials of the applicant, would submit her body for the alleged acts, as mentioned, in the complaint, after consuming liquor in the very first meeting, that too within few hours.

7. Highlighting the inordinate unexplained delay in lodging the FIR, a prayer has been made to release the applicant on bail, as, no useful purpose would be served by keeping the applicant in the judicial custody, as, the

chances of commencement and conclusion of the trial are not so bright.

8. The applicant has also tried his luck, by moving similar application before the learned Sessions Judge, Dharamshala, however, his application has been dismissed vide order dated 19.4.2025.

9. Apart from the above, Shri Ajay Kochhar, learned Senior Advocate assisted by Ms. Swati Sharma and Mr. Anubhav Chopra, Advocates, has given certain undertakings, on behalf of the applicant, for which, the applicant is ready to abide by, in case, ordered to be released, on bail, during the pendency of the trial.

10. On the basis of the above facts, a prayer has been made to allow the applicant.

11. When put to notice, the police has filed the status report, disclosing therein, that Zero FIR No.04/25, dated 24.03.2025, under Section 64(1) of BNS, along with the complaint and Photostat copy of the statement of the prosecutrix was received in Police Station, Dharamshala, through email from Narsingi Police Station, District Cyberabad Rangareddy, Telangana.

11.1. As per the FIR received through email, since the crime in question had taken place within the jurisdiction of Police Station Dharamshala, as such, the same was forwarded to the said Police Station. Contents of the same are reproduced as under:-

"Today i.e. on 24.03.2025 at 20:30 hours received a complaint from victim woman, which reads as follows. Brief facts of the case are that on 24.03.2025 at 20:30 hours received a complaint from victim woman In which she stated that she is 31 years old, unmarried. working in a private organization, and residing in Bangalore. though she is a native of Davanagere, Karnataka. She created her profile on the networking app Bumble with the hope of finding a suitable life partner. The complainant states that one [REDACTED], alias [REDACTED] (profile name), approached her through the said app and befriended her in mid-February 2025. They were in sporadic touch since February 14, 2025. She planned a solo trip to Dharamshala. Himachal Pradesh, from February 16, 2025, to March 4, 2025, and booked her travel and accommodation accordingly, as she wanted to visit Aghanjar Mahadev Temple on the eve of Mahashivratri. She identifies as a spiritual person and a devotee of Lord Shiva, which was also described in her Bumble profile initially, Anirudh claimed to have similar interests and stated that he was also a staunch follower of Lord Shiva. They discussed spirituality and yoga in the beginning. He appeared to be very knowledgeable, reciting Vedic scriptures about Lord Shiva, and came across as a friendly person. The complainant was highly impressed with him. Gradually, he asked for her phone number, which she shared with him As

planned, she left for Dharamshala via Delhi on February 16, 2025. [REDACTED] claimed that he was unmarried and looking for a life partner who shared similar spiritual interests. Further, to impress her he stated that he owned businesses in the UK, was a director of multiple companies, and had about 100 employees working under him in the U.K. He also claimed to possess vast properties in Hyderabad Bangalore. Delhi, and other locations, asserting that he had everything a man could desire but was searching for a life partner with whom he could relate emotionally and spiritually. Additionally he told her that he was mesmerized by her voice. After she reached Dharamshala, she was working during office hours, as she had the option of working from home, while also enjoying her holiday by visiting various sites and temples. On February 24, 2025, [REDACTED] started texting her, checking whether she had travelled to Dharamshala on a solo trip. When she confirmed that it was a solo trip, he expressed his desire to join her and proceeded to book his air tickets to Dharamshala along with accommodation through Airbnb. After arriving in Dharamshala on February 25, 2025, he invited her to his Airbnb accommodation at Oak by the River, Dharamshala, Kharota, H.P. 176057, which was about 10 to 12 km from her rented property. He asked whether she would like to drink, to which she declined, as it was their first meeting. On the same day, at around 4 PM, she reached his villa. Upon seeing her, he came close as if they had known each other for years, hugged her, and kissed her forehead. He reminded her that they were meeting on the occasion of Mahashivratri and suggested that their meeting at such a beautiful location and auspicious time was God's wish. He then gifted her the holy book "Mahagatha" of Lord Shiva. Subsequently, he showed her his refrigerator, which was stocked with various alcoholic beverages, and insisted that she drink. Despite

her refusals, he kept pressuring her. When she was in an inebriated state, he started making sexual advances. As she resisted, he assured her that he was going to marry her and took her to his bedroom, where he disrobed her and had sexual intercourse with her. He also attempted to record their private acts. The following morning, when she questioned him about the recording, he denied having recorded anything but refused to show her his phone. He convinced her by stating that, as his future wife, she should trust him rather than check his mobile. As she had come to his villa without any plans of an overnight stay, she left around 10 AM the next morning. Since it was Shivaratn, she requested him to accompany her to a Shiva temple and to refrain from consuming non-vegetarian food. However upon reaching his flat on February 26, she found him eating a non-vegetarian pizza. She was disappointed that he did not accompany her to the temple. He explained that he had been dealing with an emergency business issue, which caused him stress, leading him to eat non-vegetarian food. She believed him and avoided the temple visit. He then served her drinks again, which led her to stay with him that night as well. On the night of February 26, he once again had sexual intercourse with her under the pretext of marriage. The next morning, on February 27, 2025, at around 7 AM, he informed her that he had to travel urgently to London for important work and left her at the villa before possibly departing for the airport. He asked her to stay at the villa until February 28, as the stay was booked until then. He also promised that after completing his work in the UK, he would return to Bangalore to meet her parents for a marriage alliance. The complainant submits that after leaving her on February 28, [REDACTED] started behaving as though he was traveling and busy with work. Believing this, she did not disturb him much. His behavior continued for several more days, and whenever she tried to call or

Speak to him, he kept saying he was busy or sleeping. This made her anxious and caused her significant emotional distress. She began feeling cheated and betrayed, which affected her ability to concentrate on work and other activities. Out of curiosity, she started searching for information about him online through various platforms. During their stay together, she had overheard him sharing his address over a call, which she remembered as [REDACTED]. In her online search, she came across his wedding photos under the profile name [REDACTED] (a marriage photographer's profile). She contacted the owner [REDACTED] who confirmed [REDACTED] marriage. Upon further investigation, she confirmed that [REDACTED] was married to one [REDACTED] (profile: [REDACTED]). She found additional wedding photos and videos by searching [REDACTED] name on Google. She also verified that he was residing at [REDACTED]. Further attempts to reach him and his wife were unsuccessful, as neither responded to her calls or messages. Anirudh holds an Indian passport bearing No. [REDACTED] and frequently travels to the U.K. He had shown his passport to her, displaying multiple immigration stampings. Additionally, she came to know that he was involved in financial frauds by operating shell companies in the UK. Therefore, complainant has requested for necessary legal action against Anirudh. Received on 24.03.2025 at 20:30 hours. As per the contents of the above complaint, Zero FIR in Cr. No 0-4/2025 U/s 64(1) BNS has been registered and case file has been transferred to Dharamshala Police Station, Kangra Dist, Himachal Pradesh State on the point of Jurisdiction."

12. On the basis of the above facts, FIR No. 53 of 2025, dated 25.3.2025, under Section 64(1) of the BNS was

registered with Police Station Dharamshala, District Kangra and the criminal machinery swung into motion.

13. Thereafter, on 31.3.2025, the prosecutrix was associated in the investigation of the case. Prosecutrix, along with lady police officers visited the spot i.e. Oak by the river Home & stay Kharota, where, she had identified the bed, where, on 25th and 26th February, 2025, applicant had raped her on the pretext of marriage. Thereafter, the requisite documents were taken into possession. Spot map was prepared, and photographs were clicked.

14. Supplementary statement of the prosecutrix, under Section 180 of the BNSS, was recorded, which was also photographed. In the supplementary status report, she has disclosed that her medico-legal examination had already been got conducted by the Narsingi Police Station, District Cyberabad, Telangana, on 25.03.2025.

15. It is the further case of the police that on 1.4.2025, the statement of the prosecutrix was got recorded, under Section 183 of the BNSS, by producing her before the Court of learned Judicial Magistrate First Class-

I, Dharamshala and Section 69 of BNS was added, in this case.

16. On 1.4.2025, the police team was sent to search for the applicant at his native place in Telangana, where, he was found at his residential address and was arrested on 2.4.2025, at about 8.00 p.m.

17. Thereafter, on 3.4.2025, the applicant was taken to Zonal Hospital Dharamshala, where his medico-legal examination was got conducted and the physical evidence, so collected, by the doctor was sent to RFSL Dharamshala for analysis.

18. On 2.4.2025, during investigation, it was found that when the prosecutrix, was medico-legally examined at Telangana and during her medico-legal examination, the physical evidence, so collected, by the doctor was handed over to the Police, which was sent to SFSL Red Hills Hyderabad, however, result of the same is still awaited.

19. In this case, according to the police, the prosecutrix also got recorded that their private moments were allegedly recorded by the applicant and when inquired, the applicant has denied that anything was

recorded by him and he had also refused to show his mobile phone.

20. On 3.4.2025, he has handed over the mobile phone to the Police and the same was sent to RFSL, Dharamshala. Report of DNA profile has been received. Lastly, it has been pleaded that investigation is still going on.

21. In this case, the prosecutrix has also joined the proceedings on 14.5.2025, through video conferencing, at the time of hearing the matter. As per the stand taken by the prosecutrix, in this case, she has been raped by the applicant on the pretext of marriage and as per her further version, when the marital status of the applicant was ascertained, he was found to be married.

22. In this case, the applicant has annexed some documents with regard to Bumble App. As per the documents, the said App is a dating App, whereas, the prosecutrix took a stand in the complaint that she, in order to find a suitable life partner, had created her profile on the Bumble App. Thereafter, the applicant approached her through the App.

23. As per the contents of the complaint, reproduced above, it would be proved during the trial that the physical relation between the applicant and prosecutrix was consensual or the consent of the prosecutrix was obtained under the pretext of marriage. However, this fact, cannot be ignored that the prosecutrix travelled from Telangana to Dharamshala, as a solo traveller and stayed with a person, whom, according to her, she had not met earlier except remaining in contact with each other at Bumble App.

24. The prosecutrix has specifically mentioned in the complaint that it was their first meeting on 25.2.2025. Thereafter, on the insistence of a person, who met her for the first time, whereas, the prosecutrix budged under pressure by the applicant to have alcoholic beverages and when she was in the alleged inebriated state, applicant allegedly raped her, that too, on the pretext of marriage.

25. The prosecutrix, thereafter, took about one month to lodge the FIR, in question. Although, it is for the prosecutrix to explain the delay in lodging the FIR, during

trial, but, at the time of deciding the bail application, all these facts cannot be ignored.

26. In this case, neither the prosecution, nor, the complainant/prosecutrix could controvert the stand of the applicant qua the fact that Bumble App is a dating App.

27. Considering all these facts, this Court is of the view that the applicant cannot be kept in the judicial custody for indefinite period, as pre-trial punishment, is prohibited under the law. The investigation is almost complete.

28. In normal circumstances, detailed discussions of the evidence, so collected, by the prosecution or about the defence, which has been taken, by the applicant, should be avoided, as, it would cause prejudice to the case of the prosecution, as well as, to that of the accused. However, keeping in view the specific stand taken by the applicant, qua her acquaintance on Bumble App and thereafter, coming to Dharamshala and staying with the applicant, cannot be ignored while deciding the question of bail. The Police is not able to make out a case for custodial interrogation.

29. Considering all these facts, this Court is of the view that the bail application is liable to be allowed and is accordingly allowed. The applicant is ordered to be released on bail in case FIR No.53 of 2025, dated 25.03.2025, registered, under Sections 64(1) and 69 of the BNS with Police Station, Dharamshala, District Kangra, H.P., on his furnishing personal bond, in the sum of Rs. 50,000/-, with two sureties of the like amount, to the satisfaction of learned Chief Judicial Magistrate, Dharamshala.

30. This order of release, however, shall be subject to the following conditions :-

- “a) Applicant shall join the investigation, as and when directed by the Police/I.O. to do so and shall regularly attend the trial Court on each and every date of hearing and if prevented by any reason to do so, seek exemption from appearance by filing appropriate application;*
- b) Applicant shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;*
- c) Applicant shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or the Police Officer; and*
- d) Applicant shall not leave the territory of India without the prior permission of the Court.”*

31. Any of the observations made herein above shall not be taken as an expression of opinion on the merits of the case as these observations are confined only to the disposal of the present bail applications.

32. It is made clear that the respondent-State is at liberty to move an appropriate application, in case, any of the bail conditions is found to be violated by the bail applicants/petitioners.

33. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Jail, District & Air Correctional Home, Dharmashala, through e-mail, with a direction to enter the date of grant of bail in the e-prison software.

34. In case, the applicants are not released within a period of seven days from the date of grant of bail, the Superintendent of Jail, District & Air Correctional Home, Dharmashala, is directed to inform this fact to the Secretary, DLSA, Dharamshala. The Superintendent of Jail, District & Air Correctional Home, Dharmashala, is further directed that if the applicants fail to furnish the bail bonds, as per the order passed by this Court, within a

period of one month from today, then, the said fact be submitted to this Court.

(Virender Singh)
Judge

May 23, 2025 *(ps)*