

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No.: 2760 of 2025

Reserved on : 24.12.2025

Decided on : 30.12.2025

Ankush Kumar

...Applicant

Versus

State of H.P.

...Respondent

*Coram***The Hon'ble Mr. Justice Virender Singh, Judge.***Whether approved for reporting?¹*

For the Applicant : Mr. K.S. Gill, Advocate.

For the respondent : Mr. H.S. Rawat, Additional Advocate General with Ms. Avni Kochhar Mehta, Dy.A.G., for respondent No. 1.

Ms. Oshin Anand Chauhan,
Legal Aid Counsel, for
respondent No. 2**Virender Singh, Judge**

Applicant Ankush Kumar has filed the present application, under Section 483 of Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'the BNSS') for releasing him, on bail, during the pendency of the trial, **arising out of FIR No. 04 of 2025,**

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

dated 23.1.2025, registered under Sections 376(2)(n) and 376 (3) of Indian Penal Code (hereinafter referred to as 'the IPC'), 351(2) of Bharatiya Nyaya Sanhita (hereinafter referred to as 'the BNS' and Section 6 of Protection of Children from Sexual Offences Act (hereinafter referred to as 'the POCSO', registered with Women Police Station, Nahan, District Sirmour, H.P.

2. The applicant has pleaded the fact that he is an innocent person and has falsely been implicated, in the present case and he has no concern whatsoever with the crime in question.

3. According to the applicant, investigation, in the present case, is complete and he is lodged in Model Central Jail, Nahan, H.P.

4 The applicant has further pleaded that the entire case, alleged by the child victim, qua him, is false, concocted, and Police could not collect any evidence against him.

5. The applicant, through his counsel, has given certain undertakings, for which, he is ready to

abide by, in case, ordered to be released on bail, during the pendency of the trial.

6. On the basis of above facts, a prayer has been made by the applicant to release him on bail, during the pendency of the trial.

7. When, put to notice, the Police has filed the status report, disclosing therein, that on 23.1.2025, the child victim moved a complaint, by appearing before the Police, along with her parents, disclosing therein, that she is resident of the address, as mentioned therein. Her date of birth is stated to be 29.7.2007. She has passed 10+2 examination, in the month of March, 2024. When, she was studying in 9th Class, then, she came in contact with one Ankush Kumar (applicant). Thereafter, they remained in touch with each other over phone. In the year 2022, when, there were instructions on account of Covid-19 pandemic, at that time, applicant Ankush Kumar took her to his house. There, both of them had taken cold drink, in which, the applicant is stated to have mixed

something, upon which, the child victim became unconscious. Thereafter, applicant Ankush allegedly did wrong acts with her. Thereafter, applicant used to call her often to meet him and used to do wrong acts with her by threatening her.

7.1 After passing 10th class, the parents of the child victim had taken a room on rent in Nahan, where she started pursuing Shastri course. During that period, applicant Ankush came there a number of times and ravished the child victim. The applicant clicked photographs and shot videos of the child victim and on the pretext of those photographs/videos, he had started threatening her by telling her to keep relations with him and to solemnize marriage with him, otherwise, he will forward the photographs/videos to her family members and relatives. The applicant also used to beat the child victim.

7.2 Thereafter, at the instance of child victim, her parents discussed the proposal of her marriage

with the parents of applicant. During that time also, applicant made physical relations with the child victim and also used to beat her. Not only this, he has also threatened the child victim to make the video viral. Lastly, the applicant allegedly made physical relations with the child victim, in the Month of April, 2024, resultant to which, the child victim impregnated. Applicant Ankush gave some medicines to the child victim, upon which, the fetus was aborted.

7.3 Thereafter, the child victim disclosed the entire facts to her mother and refused to solemnize marriage, upon which, applicant forwarded a suicide note to the child victim, through whatsapp.

7.4 On the basis of above facts, the child victim prayed that action be taken against the applicant, upon which, the Police registered the case under Sections 376(2)(i)(n) of the IPC (64 of BNS) and Section 6 of the POCSO Act, and criminal machinery swung into motion.

7.5 The child victim was taken to Government Hospital, Nahan, where her medico legal examination was conducted. However, Doctor has not preserved any evidence, as the incident had taken place, much earlier to the medico-legal examination.

7.6 On 24.1.2025, the Child victim was produced before the Court of learned CJM, Nahan, where her statement was recorded under Section 183(6) of the BNS. Applicant was arrested and the applicant was also medico legally examined. The physical evidence, so collected, by the Doctors, was taken into possession.

7.7 On 25.1.2025, the child victim identified the place of occurrence. The physical evidence was also collected from the spot.

7.8 On 30.1.2025, the child victim was again medico-legally examined and her blood samples were collected on the FTA cards. The record of her date of birth was obtained, according to which, her date of birth was 29.7.2007. During investigation, the original

suicide note, allegedly written by applicant, alongwith an old diary, was taken into possession.

7.9 After completion of investigation, the Police filed the charge-sheet. Out of total 22 witnesses, three PWs, including the child victim, have already been examined and the case is now listed for further PWs.

8. On the basis of above, a prayer has been made to dismiss the application.

9. The child victim has filed objections, in which, she has averred that keeping in view the seriousness of the offence, relief of bail may not be granted to the applicant.

10. In order to buttress her contention, the learned Legal Aid Counsel, appearing for respondent No. 2, has relied upon the decision of Hon'ble Supreme Court in a case titled as, **"X (minor) versus the State of Jharkhand & Anr."** (2022 Live Law (SC) 194), and prayed that the bail application may kindly be dismissed.

11. It is no longer res-integra that at the time of deciding of bail application, the evidence, so collected by the prosecution, as well as, merits/de-merits of the case, should not be decided, in a way to decide the innocence/guilt of the accused.

12. The primary purpose of deciding the bail application should be confined to the seriousness of the offence, availability of the applicant for the trial, as well as, apprehension to threat the witnesses.

13. Investigation, in the present case is complete, Police has filed the charge-sheet and three witnesses have already been examined. So far as the apprehensions regarding availability of the applicant for trial and threat to the witnesses are concerned, reasonable conditions can be imposed upon the applicant, while releasing him on bail.

13. Considering the fact that there are as many as 22 witnesses, in the case, and the case is now listed on 26.12.2025 for prosecution witnesses, this Court is of the view that chances of conclusion of trial against

the applicant are not so bright. As such, no useful purpose would be served by keeping the applicant in judicial custody, that too, for indefinite period.

14. The applicant has pleaded his age as 27 years, and in case, he is kept in judicial custody, that too, without judgment of conviction, the same would be nothing, but pre-trial punishment, which is prohibited, under the law.

15. The applicant is permanent resident of District Sirmour, as such, it cannot be apprehended that in case, he is ordered to be released on bail, he may not be available for trial.

16. Considering all these facts, this Court is of the view that the bail application is liable to be allowed and is accordingly allowed.

17. Consequently, the applicant is ordered to be released on bail, during the pendency of trial, arising out of **Case FIR No. 4 of 2025, dated 23.1.2025, registered under Sections 376(2)(n) and 376 (3) of the IPC, 351(2) of the BNS and Section 6 of POCSO Act,**

registered with Women Police Station, Nahan, District Sirmour, H.P. on his furnishing personal bond in the sum of Rs. 50,000/-, with two sureties, in the like amount, to the satisfaction of the learned trial Court.

18. This order, however, shall be subject to the following conditions:-

a) Applicant 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 the 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.

19. 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 application.

20. 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 violated by the applicant.

21. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Model Central Jail, Nahan with a direction to enter the date of grant of bail in the e-prison software.

22. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Model Central Jail, Nahan is directed to inform this fact to the Secretary, DLSA, Nahan. The Superintendent of Model Central Jail, Nahan is further directed that if the applicant fails 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

December 30, 2025

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by KALPANA
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