

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 1860 of 2026

Decided on: 06.10.2026

Rudra Pratap Singh

...Petitioner

Versus

State of Himachal Pradesh & Anr.

...Respondents

Coram

Hon'ble Mr Justice Chirag Bhanu Singh, Judge.

Whether approved for reporting?¹

For the Petitioner	:	Mr. Naresh K. Sharma, Advocate.
For the Respondents	:	Mr. Prashant Sen, Deputy Advocate General, for respondent No.1-State. None for respondent No.2.

Chirag Bhanu Singh, Judge (Oral)

The present bail petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking post-arrest bail in case FIR No. 98 of 2026, dated 17.06.2026, registered at Police Station Dharampur, District Solan, H.P., under Sections 137(2), 115(2), 64, 89 & 238 of the Bharatiya Nyaya Sanhita (BNS) and

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

Section 6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the “Act”).

2. The facts which emerge from the status report so filed by the State are that the prosecutrix had approached the police on 17.06.2026, stating that she had met the accused in the month of January, 2026, in the house of her friend Laxmi. She had known the accused earlier too. However, the accused had made physical relations with her umpteen number of times despite her protest. On 16.06.2026, the accused had physically assaulted her and even his mother had beaten her, leading to the registration of the present FIR.

3. I have heard the learned counsel for the parties and gone through the records meticulously.

4. Since Section 6 of the POCSO Act has been attracted, notices had been issued to the victim. The victim had appeared before this Court on 01.10.2026.

5. The victim, without any qualms, had stated before this Court that she had no objection if the petitioner/accused was released on bail, subject to the condition that he did not

bother her after his release. She, however, went on to state that they were friends earlier, but she does not intend to have any further relations with him.

6. Perusal of the status report and the conduct of the prosecutrix is suggestive of the fact that the petitioner/accused and the victim had been literally residing together for quite some time. It was only on 16.06.2026, when she was physically assaulted by the petitioner/accused and his mother, that she had approached the police. It is thus apparent that the victim had been residing in the house of the accused itself. The two were in some sort of relationship and the same having gone sour apparently resulted in the filing of the FIR. Without going into the merits of the controversy any further, suffice it to say that there are no chances of the petitioner/accused fleeing from justice since he is a *bona fide* resident of the area.

7. Since the challan already stands filed, the culmination of the trial is likely to take sufficient time. Pre-trial incarceration is otherwise generally loathed by the Courts, as has been held by the Hon'ble Supreme Court in a

catena of decisions, including **Union of India vs. K.N. Nazeeb, 2021 (3) SCC 713.**

8. The Hon'ble Supreme Court and this Court have, in a catena of decisions, repeatedly held that an accused is presumed to be innocent until proven guilty. No doubt, the provisions of the POCSO Act have been attracted, but seeing the statement of the prosecutrix, the nature of allegation, the relation between the two and keeping in view the fact that the trial is likely to take time, it would be in the interest of justice and fair play that the discretion of bail is exercised in his favour, but subject to strict terms.

9. For all the reasons discussed hereinabove, the bail petition is thus allowed. As a sequel, the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the tune of Rs.50,000/- with two local sureties of the like amount, to the satisfaction of the learned trial Court, subject to the following conditions:-

"i) That the petitioner shall not tamper with the prosecution evidence nor intimidate, threaten or coerce the witnesses conversant with the facts of the case;

ii) That the petitioner shall put in appearance before the Investigating Officer or the Court as and when directed;

iii) That the petitioner shall not leave the territory of India without the express permission of the Court, he shall surrender passport, if any, before the investigating agency;

iv) That the petitioner shall further not meet or try to contact the victim during the pendency of the trial. He shall also not leave the jurisdiction of Himachal Pradesh without the express permission of the Court."

10. The observations made hereinabove shall not be taken as an expression of opinion on the merits of the case, as these observations are confined only for the purposes of the disposal of the present petition.

11. The petition stands accordingly disposed of. A copy of this order be sent to the Superintendent, District Jail, Solan, H.P. and the learned Trial Court by **FASTER**.

12. Petition stands disposed of in the aforesaid terms, so also the pending miscellaneous applications, if any.

(Chirag Bhanu Singh)
Judge

06th October, 2026
(Shamsh Tabrez)

SHAMSH
TABREZ

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by SHAMSH
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