



IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr.MP(M) No. 1774 of 2026
Reserved on 9th October, 2026
Decided on 12th October, 2026

Tarun Bharota ...Petitioner
Versus
State of HP & Anr. Respondents

Coram
Hon'ble Mr. Justice Chirag Bhanu Singh, Judge.
¹Whether approved for reporting?

For the petitioner : Mr.N.S. Chandel, Sr. Advocate
with Ms. Swetima Dogra,
Advocate.
For respondent : Mr. Lokender Kutlehria,
No.1/State Additional Advocate General,
assited by SI Puran Chand, IP, PS
Mandi, District Kullu.
For respondent No.2- : Ms. Sheetal Vyas, Advocate.
Victim

Chirag Bhanu Singh, Judge

The petitioner has preferred the present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), seeking anticipatory bail for having allegedly committed offences punishable under Sections 64(1), 115(2) & 351(2) of Bharatiya Nyaya Sanhita (hereinafter referred to as the 'BNS') registered vide FIR No.130

of 2026, dated 25.08.2026, at Police Station Manali, District Kullu, H.P.

2. The facts which emerge from the status report so filed by the State are that on 25.08.2026, the prosecutrix had reported to the Police Station SHO Manali and filed a written complaint alleging that she had been living with her fiancée, the petitioner/accused in Manali since 12.05.2026. They had left Manali on 06.06.2026. They again returned to Manali on 12.08.2026. Prior to 12.08.2026, she had remained admitted in PGI for 15 days because of an injury in the neck, which had been caused by the petitioner/accused. The petitioner used to use intoxicants, which was objected to by the prosecutrix.

3. On 23.08.2026, the petitioner had started abusing and had fought with her. The petitioner/accused later came back, grabbed and pulled her to the room. She tried to run. The petitioner/accused had broken into the other room, pushed and slapped her 8 to 9 times.

4. It was further alleged by the prosecutrix that the petitioner/accused had later pulled and pushed her towards the bed and sexually ravished her. He deliberately burned her private parts with the flame of lighter, choked her neck and also closed

her mouth several times. She tried to escape and begged him to stop, but to no avail.

5. Based on the aforesaid allegations, the FIR came to be registered against the petitioner/accused.

6. The petitioner has preferred the present petition, alleging, *inter alia*, that he has been falsely implicated in the case. There is no direct or indirect evidence connecting the petitioner with the alleged crime. There is no apprehension of his fleeing from justice. He is the sole bread earner of the family, and the detention of the petitioner would not advance the cause of justice in any manner. The investigations are also stated to be complete.

7. Mr. N. S. Chandel, learned Senior Counsel assisted by Ms. Swetima Dogra, learned counsel, has strenuously urged that the accused and the prosecutrix were in a long-time relationship for the last about 10 years. They had also got engaged. He had left the prosecutrix on 23.08.2026 and the complaint had been lodged after two days on 25.08.2026. The version of the landlord would further show that the story is concocted. The injuries on the person of the prosecutrix are coloured and old. The MLC also does not remotely show that there were any burn injuries on the person of the prosecutrix. The

petitioner thus was entitled to the discretion of bail.

8. The prosecutrix, who has also put in appearance through her counsel, Ms. Sheetal Vyas, while filing reply, has contested the averments made by the petitioner/accused. The learned counsel for the prosecutrix would thus urge that not only did the petitioner/accused sexually ravish her against her will, but had also inflicted burn injuries on her private parts with a lighter, which fact has been corroborated by the MLC. The factum of the parties being in a live-in relationship did not automatically establish consent for those particular acts. She further urged that the petitioner/accused has been contacting, influencing, pressurizing, and intimidating the prosecutrix and the other witnesses even after the filing of the bail petition. The prosecutrix had E-mailed a letter in this behalf to the Investigating Officer on 29.09.2026, after the grant of the interim protection, a *prima facie* case is made out at this stage, and the same is amply corroborated by the medical evidence on record.

9. I have heard the learned counsel for the parties and gone through the record meticulously.

10. Admittedly, the victim and the petitioner were in a long relationship and had also got engaged. The same is amply clear

from the complaint filed by the prosecutrix herself. The allegations levelled by the prosecutrix has, however, been amply corroborated by the MLC on record. The doctor had reported injuries on the thighs of the prosecutrix, other injuries have also been noticed around the breast and the forearms. Burn marks have also been reflected by the doctor on the thighs.

11. Much was tried to be urged that the statement of the landlord, that is the house where the two stayed, would show that the story propounded by the prosecutrix is concocted and false. The statement of the landlord, one Mehar Chand, however, only reflects that on 24.08.2026, the prosecutrix had been strolling in the courtyard and was looking perturbed, and her partner-Tarun, i.e. the petitioner, was not present at that time. She had not spoken anything to the landlord.

12. As per the statement of the prosecutrix, the occurrence is alleged to have been taken place on 23.08.2026. She had reported the matter on 25.08.2026, given the nature of relationship between the two, the delay in reporting the crime may not be said to be fatal to the prosecution, at least, at this stage. The version of the prosecutrix has been, *prima facie*, corroborated by the Medico Legal Report (MLC) on record.

13. Given the injuries inflicted, more particularly the burn injuries near the private parts reflects a barbaric and a diabolical mindset and that too, keeping in view the age-old relationship between the two.

14. No doubt, the relief of anticipatory bail is aimed at safeguarding individual rights but the interests of justice and fair play have also to be kept in mind by the Courts while safeguarding individual rights. Protecting public interest has also to be kept in mind while disposing of such bail applications. Therefore, the gravity of the offense and the impact the crime has on society have to be weighed by the Courts, though, keeping in view facts and circumstances of each individual case.

15. It may be apposite to reproduce para 29 of the judgment titled as ***Pratibha Manchanda and Another vs. State of Haryana and Another, 2023 (8) SCC*** Page 181 where the Hon'ble Supreme Court have elucidated, the factors and parameters that need to be kept in mind while granting anticipatory bail, which reads thus.

“21. The relief of anticipatory bail is aimed at safeguarding individual rights. While it serves as a crucial tool to prevent the misuse of the power of arrest and protects innocent individuals from harassment, it also presents challenges in

maintaining a delicate balance between individual rights and the interests of justice. The tight rope we must walk lies in striking a balance between safeguarding individual rights and protecting public interest. While the right to liberty and presumption of innocence are vital, the Court must also consider the gravity of the offence, the impact on society, and the need for a fair and free investigation. The Court's discretion in weighing these interests in the facts and circumstances of each individual case becomes crucial to ensure a just outcome."

16. Adverting to the facts of the present case, suffice it to say that the conduct of the petitioner/accused was totally inhuman. Even if in a relationship, it did not give him a license to ravish the prosecutrix sexually and that too, in such a barbaric way. "No" had to mean a "No". Even the conduct of the petitioner after the grant of interim protection, leaves much to be desired. The prosecutrix had made a written complaint to the Investigating Officer on 29.09.2026 along with the call details and a WhatsApp chat. The nature of the offences committed and the general conduct of the petitioner thus does not entitle the petitioner for anticipatory bail, though, he might have a good case for the grant of regular bail. The ocular and documentary evidence on record, more particularly the MLC, does go to show that *prima facie* the assault had taken place.

17. Seeing to the totality of circumstances discussed above, this Court is of the considered opinion that the petitioner, at least, is not entitled to the discretion of anticipatory bail, the petition being devoid of any merit is dismissed. Consequently, the bail petition is dismissed, at this stage.

18. Before parting, it would, however, be relevant to notice a grave discrepancy which has been noticed regarding the format of the new medico-legal reports, (MLCs), which are being issued across the State in respect of sexual offenses. Apparently, a new format is being followed. These reports generally consist of three parts, namely:

- i) Introductory or preliminary data, for example, full name, age, address, date, place and time of examination, including identity marks;
- ii) The facts observed on examination; and
- iii) The opinion or the inference drawn from the facts.

19. The earlier medico-legal reports, which were submitted throughout this State had a specific column relating to opinion given;

i) Nature of injuries...

(Simple, Grievous)....

ii) Probable duration of injuries.

20. These, however, are not found in the new format of the medico-legal reports including in this case.

21. It does transpire from record that the medico-legal examination report, which has been placed on record by the prosecution does not even have a column relating to the opinion of the doctor in respect of the nature of injuries and the probable duration of injuries. Generally, the earlier MLCs, the format of which had been issued by the Department of Health and Family Welfare, specific columns were found vis-à-vis the opinion given;

i) in respect of the nature of injuries and;

ii) probable duration of injuries.

22. It has been noticed in the present case that the MLC which is on record has no column as to the probable duration of injuries and apparently the doctor too has not given any opinion as to the probable duration of injuries sustained by the prosecutrix.

23. It is one of the most important attributes which have to be recorded by a doctor as an Expert. After examining the victim and the injuries sustained, the doctor has to *prima facie*, opine as to what was the probable duration of injuries, that is,

whether it was immediate or whether the injuries are fresh or old, enabling the Court to correlate the injuries sustained with the ocular evidence on record. Non-recording of the probable duration of injuries as an Expert has an important bearing on the case. It is a glaring discrepancy, which requires to be rectified forthwith in the new formats being used for preparing the MLCs by the State. In a medico-legal report, the probable duration of an injury is a crucial expert opinion generally used to test the truthfulness of the alleged timelines of a crime. Doctors generally state the duration using approximate or estimated ranges e.g., fresh, within 12 hours, 12 to 24 hours, 2 to 3 days, or older, etc. These estimations generally rely on visible signs of tissue repair, inflammation, and healing. The doctors generally notice the color and bleeding, scab formation, granulation and epithelialization, etc., to give the approximate duration of the injury.

24. It is thus an important facet of the investigative record and the opinion of an expert, which has a crucial bearing on the case too. Without the probable duration of injury being reflected in the medico-legal report (MLC), it loses its very essence. The very relevance of the exercise conducted by the doctor is rendered nugatory.

25. In the old medico-legal reports, a specific column had been incorporated vis-à-vis the opinion given by the doctor in respect of one of the nature of injuries, for two probable duration of injuries. It has been found to be missing in the new MLCs being issued by the doctors across the State.

26. Remedial measures thus will have to be taken, which will rather auger much to the benefit of the prosecution. Because the medical evidence adduced by the prosecution, has great corroborative value. It proves that the injuries could have been caused in the manner and the time alleged. The State of Himachal Pradesh, thus, would be well advised to rectify the discrepancy forthwith by making appropriate changes in the format of the new medico-legal reports being issued or continue with the time-tested old medico-legal report formats, which were being used till date. A copy of this order be, thus, sent to the Principal, Secretary Home and the Director General of Police, Himachal for information and for taking remedial measures, if so desired by the State.

27. In the present case, the prosecution should seek the opinion of the doctor, who had issued the medico-legal report regarding the probable duration of injuries.

28. 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.

29. The petition stands disposed off in the aforesaid terms, so also the pending miscellaneous applications, if any.

12th October, 2026
(Ritu)

(Chirag Bhanu Singh)
Judge