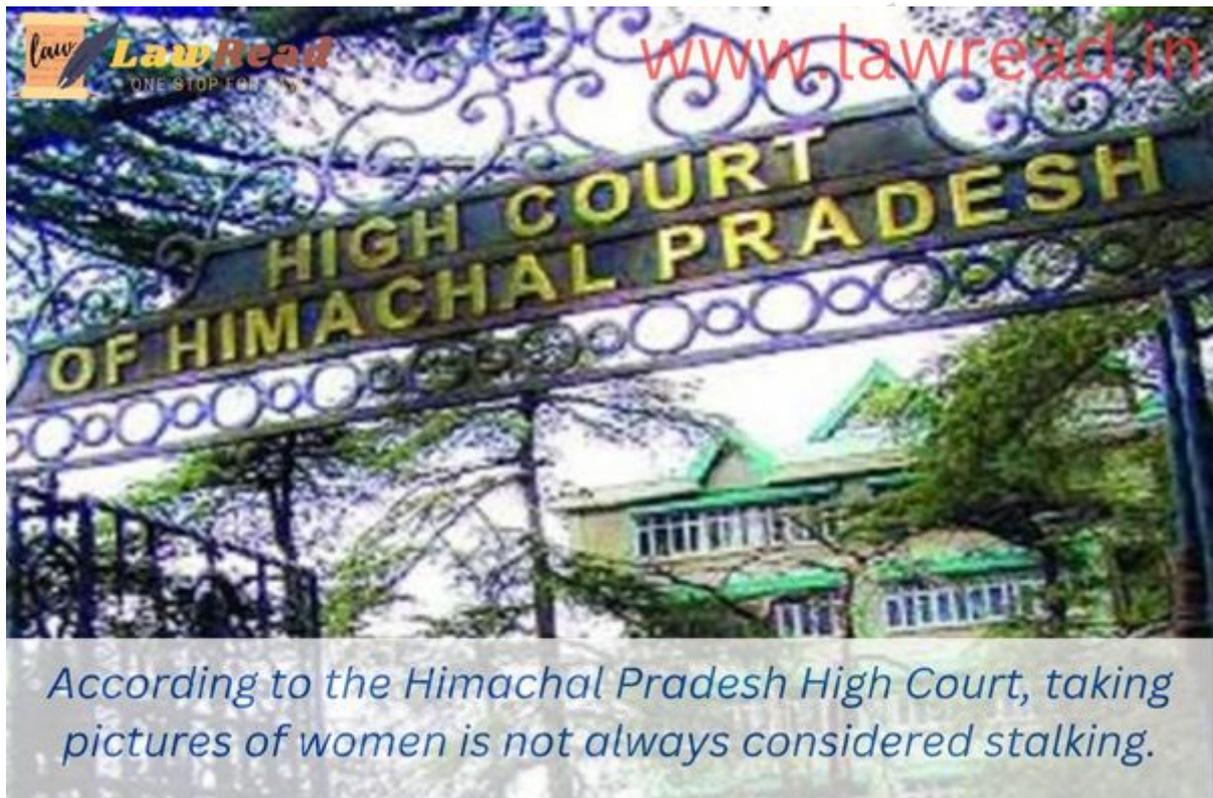


## News

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**According to the Himachal Pradesh High Court, taking pictures of women is not always considered stalking.**



A businessman accused of capturing pictures of a woman in an attempt to threaten her husband was given pre-arrest bail by the court.

A businessman who was charged with stalking after allegedly taking pictures of a woman in an attempt to threaten her husband, a regional pollution control officer, was recently granted anticipatory bail by the Himachal Pradesh High Court [**Krishan Kumar Kasana V State of Himachal Pradesh and Anr**].

Even if the accusations are true, the accused does not seem to have been proven guilty of stalking, according to Justice Rakesh Kainthla, who issued the decision.

The Court clarified that stalking is covered by Section 78 of the **Bharatiya Nyaya Sanhita**, BNS (BNS), which penalizes anyone who follows a woman and repeatedly reaches out to her

to establish a personal relationship in spite of her obvious lack of interest or who keeps tabs on her online activity, email, etc.

***The Court noted, however, that no such complaint was made in the current case.***

The complaint's claims in this instance do not demonstrate that the petitioner had tracked down the informant's wife and made contact with her in an attempt to establish a personal relationship. The petitioner allegedly took pictures of the informant's wife, but that is the only accusation. According to the Court, this does not, on its face, qualify as stalking.

The petitioner before the Court had been accused of chasing and trying to damage a vehicle driven by a pollution control officer in October 2024, after the official took some action against the petitioner's firm for a violation of environmental legislation.

According to the official, the petitioner attempted to damage his car in an attempt to threaten him and obtain unfair favors. Additionally, he claimed that the petitioner's intimidatory techniques included taking pictures and films of his wife.

The petitioner was charged with violating Sections 221 (obstructing public servant), 224 (threat of violence to public servant), 351(2) (criminal intimidation), and 78 (stalking) of the Bhartiya Nyaya Sanhita, 2023 (BNS) in a First Information Report (FIR).

The majority of these charges were subject to bail. The only BNS offense that was not subject to bail was Section 78 (stalking). Since this non-bailable offense was also used against him, the petitioner ultimately entered a plea for anticipatory bail in the case.

In response, the petitioner accused the pollution control official of requesting bribes and rejected the accusations made against him.

The State contended that there were call detail records which suggested that the petitioner was following the informant (pollution official) and his wife. It further stated that anticipatory bail for the petitioner would interfere with the current inquiry.

Together with the State, the informant/pollution official's attorney urged the court to reject the anticipatory bail plea.

However, after observing that the petitioner did not seem to have been found guilty of stalking and concluding that there was no necessity for custodial interrogation in this particular case, the Court ultimately granted the plea.

On behalf of the petitioner, Senior Advocate Anand Sharma and **Advocate Karan Sharma** appeared.

Parshant Sen, the State's Deputy Advocate General, made an appearance.

**Jyotirmay** Bhat, an advocate, represented the informant.

Lawread