



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 11TH DAY OF SEPTEMBER 2025 / 20TH BHADRA, 1947

BAIL APPL. NO. 9589 OF 2025

CRIME NO.235/2025 OF INFOPARK POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED 1 TO 4:

- 1 VENU GOPALAKRISHNAN
AGED 50 YEARS, S/O GOPALAKRISHNAN,
VILLA NO. 6, GOOD EARTH ANGAN,
THUTHIYOOR ROAD, KAKKANAD,
COCHIN SPECIAL ECONOMIC ZONE,
ERNAKULAM, PIN - 682037
- 2 JACOB P. THAMPY
AGED 41 YEARS, S/O P.C THAMPY,
PULIKKOTTIL HOUSE,
PARVELIKUDY LANE, ONNAMMILE,
PERUMBAVOOR P.O.
ERNAKULAM, PIN - 683542
- 3 EBY PAUL
AGED 41 YEARS, S/O C.G PAULOSE,
CHITTAYAM HOUSE,
BSNL TELEPHONE EXCHANGE,
VENGOOR, ERNAKULAM,
KERALA, PIN - 683546
- 4 BIMALRAJ HARIDAS
AGED 59 YEARS, S/O HARIDAS NAIR,
1/1004, SIDDHACHAL - 8,
POKHRAN ROAD NO. 2, VASANT VIHAR,
THANE, MAHARASHTRA, PIN - 400610

BY ADVS.

SRI. P.VIJAYA BHANU (SR.)
SRI.THOMAS J.ANAKKALLUNKAL
SRI.P.SANJAY
SHRI.JAYARAMAN S.
SMT.ANUPA ANNA JOSE KANDOTH



SMT. ANN MILKA GEORGE
SMT. DHANYA SUNNY
SMT.SHERIN RACHEL SANTHOSH
SMT.A.PARVATHI MENON
SRI.BIJU MEENATTOOR
SRI.PAUL VARGHESE (PALLATH)
SRI.KIRAN NARAYANAN
SHRI.RAHUL RAJ P.
SHRI.MUHAMMED BILAL.V.A
SMT.MEERA R. MENON

RESPONDENTS/STATE & COMPLAINANT:

1 STATE OF KERALA
 REPRESENTED BY PUBLIC PROSECUTOR,
 HIGH COURT OF KERALA,
 ERNAKULAM, PIN - 682031

*2

*(ADDL R2 IS IMPEADED AS PER ORDER DATED 13.08.2025 IN
CRL MA NO.1/2025 IN BA NO.9589/2025.

BY ADVS.
SRI.C.DHEERAJ RAJAN
SHRI.ANAND KALYANAKRISHNAN
SHRI.LIBIN VARGHESE
SHRI.SANOJ M.A.

SMT. SREEJA V., PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
10.09.2025, THE COURT ON 11.09.2025 PASSED THE FOLLOWING:



BECHU KURIAN THOMAS, J.

B.A.No.9589 of 2025

Dated this the 11th day of September, 2025

ORDER

Petitioners have filed this application seeking anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Petitioners are accused 1 to 4 in Crime No.235 of 2025 of Infopark Police Station, Ernakulam, registered alleging offences punishable under Sections 351(2), 79, 74, 75 r/w section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 67A of the Information Technology Act, 2000. Subsequently, during the course of investigation, the offence under section 64 of BNS has also been incorporated.

3. The prosecution alleges that the first accused subjected the defacto complainant to sexual exploitation while accused 2 to 4 threatened the defacto complainant over phone, intimidating her that she will be trapped in a case and even murder her, if she complains against the first accused and thereby committed the offences alleged.

4. The first petitioner is a businessman while the remaining petitioners are his employees and Director working in the same establishment. Petitioners have pleaded that the first petitioner has been receiving threatening calls from the husband of the defacto complainant alleging illicit relationship between him and the defacto complainant and also that he would physically harm him. It is



alleged that after the defacto complainant and her husband started raising false allegations and demands, an internal meeting was arranged with the fourth accused and accordingly a meeting was arranged on 24-07-2025 at a hotel at Ernakulam. It is alleged that during the meeting the defacto complainant and her husband made a demand of Rs.30 crores as compensation and granted two days for compliance. On 26-07-2025, the fourth petitioner again met the defacto complainant and her husband and as the latter remained unyielding in their demands, it was agreed to pay Rs.30 crores as demanded. An amount of Rs. 50,000/- was transferred to the account of the defacto complainant on 28-07-2025 and thereafter, the first accused got a crime registered for extortion against the defacto complainant and her husband. After informing the police, the fourth accused met the defacto complainant and her husband at the hotel on 29-07-2025 and the policemen who were in plain clothes arrested the defacto complainant and her husband immediately after they accepted two cheques for Rs.10 crores each along with the agreement allegedly prepared and brought by them. After the Chief Judicial Magistrate released the defacto complainant and her husband on bail, they have falsely registered the present crime. It is stated that the first petitioner is an international figure whose professional standing and establishment had acquired great fame and if his professional and personal integrity is attacked without any basis and if he is taken into custody, it will seriously prejudice his establishment which engages more than 1000 employees. Thus, it was prayed that anticipatory bail be granted to the accused.



5. The defacto complainant who had impleaded herself filed an objection, pointing out that she had joined as Executive Assistant to the first accused on 13.02.2024. She referred to the episodes of sexual harassment which started within three months of her joining the company and also specifically mentioned that the accused indulged in perverted acts and though she resisted the same, due to her financial condition and the requirement to meet the expenses as a single parent, fearing termination of her employment, she could not initially raise any complaints. She refers to the first accused sending her videos of him masturbating while repeating her name. She also mentioned that she had submitted resignations on four occasions commencing from 15.06.2024, until July 2025 apart from giving written complaints to the Internal Complaints Committee of the company. However, all her resignation letters were rejected threatening that an adverse background report would be given to the prospective employers. Even the complaints given to the ICC were forced to be withdrawn after the first accused assured that he will not repeat those acts. In the objection, the defacto complainant stated that the allegation of honey trap is completely false and that it has been foisted apprehending the criminal complaint being filed by the defacto complaint against him. It was also stated that the WhatsApp chats produced before the court are all created using the technical expertise of the first accused and other employees in his establishment which deals with computers and technology. It was also stated the incident that occurred at the hotel was stage-managed by the accused and realising the suspicious nature of the said incident including her arrest, the learned Chief Judicial Magistrate released her on bail on the day of production



itself.

6. Sri. P. Vijayabhanu, the learned Senior Counsel, instructed by Sri.Thomas J. Anakkallunkal, the learned counsel for the first and fourth petitioners and Sri. P Sanjay, the learned counsel for the second and third petitioners submitted that the first petitioner is a well reputed businessman who had employed the defacto complainant as his Executive Assistant from 13.02.2024 to 10.07.2025. The learned Senior counsel submitted that on 10.07.2025, the defacto complainant requested to relieve her from 18th July, 2025 and she was relieved from duties at her request. However, thereafter, from 11.07.2025 onwards, she targeted the first accused and messages of a scandalous and malicious nature started spreading. It was also pointed out that the defacto complainant's husband made threatening telephone calls making false accusations of an illicit relationship with the first accused.

7. According to the learned Senior Counsel, on 15.07.2025, the defacto complainant sent an email to various persons raising allegations of abuse against her husband as well as instances of cruelty meted out by him and also stated that her husband had fabricated sexually explicit fake WhatsApp messages between her and the first accused. It was also submitted that the defacto complainant informed that her husband was intending to physically harm the first accused and finally they contacted the defacto complainant and her husband and they agreed to meet in person at a reputed hotel at Ernakulam where they demanded payment of Rs.30 Crores as a compensation for settling the matter. Upon their demands, the 4th accused met the defacto complainant and her husband and conveyed that the amount of Rs.30 Crores



would be paid as demanded and stated that Rs.10 Crores will be transferred by RTGS while remaining Rs.20 Crores be issued through two cheques of Rs.10 Crores each. The WhatsApp chats between the husband of the defacto complainant and 4th accused is produced as Annexure A6 while the WhatsApp chats between the husband of the defacto complainant and the 4th accused demanding money are also produced. The copy of the alleged agreements proposed to be signed with the first accused have also been produced as Annexure A9.

8. According to the petitioners, succumbing to the threats of the defacto complainant and her husband, the first accused attempted to transfer Rs.1,00,000/- initially which failed due to limits of online transfer and hence only Rs.50,000/- was transferred on 28.07.2025 and finally unable to bear the threats and extortion by the defacto complainant, a crime was registered as Crime No.1041 of 2025 and on 29.07.2025, the defacto complainant and her husband were arrested from the hotel by the police, who were informed earlier about the honey trap. Subsequent to their release on bail, they filed a complaint raising serious allegations against the first accused and implicated petitioners 2 to 4 also in the crime. The learned Senior Counsel submitted that the allegations are false and if the accused are subjected to custodial interrogation, their business itself will be affected.

9. Sri. Anand Kalyanakrishnan, the learned counsel for the defacto complainant submitted that the application is not even maintainable and also that the first accused is a highly powerful and an influential person who has managed to rope in the defacto complainant in a false case registered as Crime



No. 1041/2025 of Central Police Station, Ernakulam, to subdue her attempts to raise criminal complaints against him and to secure and erase the digital evidences against him available in her mobile phones and laptop. It was also submitted that her mobile phones and laptop were seized by the police on 29-07-2025 without even a seizure mahazar and was not reported or produced before the Magistrate immediately, as required by law. The learned Counsel pointed out that a seizure mahazar of the mobile phones were prepared in connection with Crime No. 1041/2025 of Central Police Station, Ernakulam only on 05-08-2025, by which time the police under the influence of the first accused would have, perhaps, erased the digital contents containing the crucial evidence. It was further submitted that though she attempted to give a complaint to the police, there was total resistance from their part and even after giving a written complaint, the police tried to dilute the rigour of the complaint. It was only after a complaint was given to the State Police Chief that an FIR was finally registered, that too, without implicating the accused in the offences which were ex facie revealed from the complaint.

10. The learned counsel for the defacto complainant further pointed out that there had been attempts to commit forcible rape on the defacto complainant and that the first accused had even exploited her under threat and coercion. It was submitted that unable to bear the sexual assaults, the defacto complainant had given complaints to the ICC, which were neither heeded to by them nor acted upon, due to the sheer influence of the first accused, who is the owner of the company where she was working. After refraining from further sexual harassment for brief periods, the first accused continued his



harassment, which led to her resignation from the company and consequent complaint. The learned Counsel also submitted that even after giving a complaint in writing, despite her statement having been taken, the police failed to take her to the Magistrate for her statement under section 183 of BNSS, clearly indicating the influence wielded by the petitioners. The learned Counsel also submitted that the petitioners are capable of manipulating, fabricating and destroying material evidence and as they are adept in computers and software, they have, using their expertise, fabricated emails, as having been sent by the defacto complainant.

11. Sri. Sreeja V., the learned Public Prosecutor upon instructions submitted that, even though the victim claimed that she had submitted a complaint of sexual harassment to the ICC, it has been revealed that no such complaints in writing, verbally or online have been received by the committee. It is also stated that investigation conducted so far has revealed that the colleagues of the defacto complainant are unaware about any such instances. Despite the above, it was submitted that the anticipatory bail application should be dismissed.

12. I have considered the rival contentions. I have also perused the case diary of the present crime as well as that of Crime No. 1041/2025 of Central Police Station, Ernakulam, the latter at the request of the learned Senior Counsel for the petitioners.

13. In this context, it needs to be mentioned that, before the orders were pronounced, it was informed by the Counsel for the defacto complainant in open court that, pursuant to the statement of the victim recorded under



section 183 of BNSS, the offence under section 64 of BNS was also added and hence the case was reposted as 'to be spoken to' and heard.

14. The two issues that arise for consideration are:

(i) Whether this application for anticipatory bail is maintainable before this Court?

(ii) Whether the petitioners are or any one of them is entitled to anticipatory bail?

These two issues are considered below.

Issue No. (i). Whether this application for anticipatory bail is maintainable under section 482 of BNSS?

15. This application for anticipatory bail has been filed directly before this Court without the applicants first approaching the Sessions Court. Since the maintainability of this application is in doubt, the said issue needs to be addressed at the outset itself, as it relates to the very jurisdiction to entertain this application. The question assumes relevance since the Supreme Court had, recently, by its order dated 08-09-2025 in **Mohammed Rasal. C & Another v. State of Kerala** [SLP (Crl) No. 6588/2025] expressed its concern regarding anticipatory bail applications being filed directly before the High Court without first approaching the Sessions Court. After expressing its concerns, the Supreme Court has posted that matter for further consideration to 14-10-2025. No binding precedent has been laid down in the above issue till date. However, since this bail application had already been reserved for orders prior to the Supreme Court expressing its concerns, this Court is obliged to pronounce final orders on this bail application. Hence, the said issue has to be addressed, based on the law now in force.



16. A learned Single Judge of this Court had, in **Usman v. S. I. of Police** [2003 (2) KLT 594] held that an applicant for anticipatory bail has to approach the Sessions Court first, before approaching the High Court. However, the said question was later referred for consideration of the Division Bench of this Court. After elaborately considering the matter, the Division Bench of this Court had, in **Balan v. State of Kerala** [2003 (3) KLT 472] held that a citizen has the right to choose the Court that should consider his application for anticipatory bail. The following observations provide an enriching reading and is hence reproduced below:

"10. It is undoubtedly true that the provision in S.438 and 439 confer jurisdiction on the Sessions Judge to entertain an application for anticipatory as well as regular bail. It is also true that the Court should respect institutional hierarchy. The higher court must show faith and respect for the lower court. However, it is equally important to remember that in matters of personal liberty, the right conferred on a citizen has to be liberally construed. A restricted meaning can defeat the very objective of the provision. It can happen that a person living in a remote village may be accused of a serious offence on account of wholly extraneous considerations. He may be involved in a totally false case with the sole object of harming his reputation and humiliating him publicly. In the normal course, he shall rush to the nearest court. He would not want to undergo avoidable expense. But, in a given situation, he may consider it more appropriate to approach the highest Court so that his right to personal liberty is not jeopardized. It may even be that his location is such that the highest Court is nearer than the Sessions Court. Should he be denied the right to choose? The provision does not restrict the choice. It gives him the right to apply to the High Court or the Court of Sessions. We are of the view that his right must be respected. It should not be cribbed, cabined or confined. He must be given the liberty to choose the forum that he wants to approach. Since the statute places no restriction, we are unable to find any reason to add an embargo.



11. *It is undoubtedly true that there is a heavy burden of cases in the High Courts. There is a long pendency. The arrears are mounting. However, even in the subordinate courts, the situation is not very encouraging. Persons remain in custody for long time before the trials commence. In this situation and taking all the facts cumulatively into consideration, we do not think that on the plain language of the statute, there is any warrant for imposing the strict restrictions that have been laid down in Usmans case (supra).*

12. *In this context, it may also be noticed that even under S.439, the Legislature has conferred power to grant bail on the High Court as well as the Court of Sessions. The two provisions do not even remotely suggest that the petition has to be filed before the Sessions Court first and then before the High Court. The power to grant bail has been conferred equally on both the Courts. It is clearly concurrent. The citizen has the opportunity to approach the Court of Sessions and then the High Court. It gives him a second chance to seek bail. However, in a case where he chooses to come directly to the High Court, he cannot be thrown out merely on the ground that he has failed to approach the Sessions Court. The petition is clearly maintainable. Equally, it cannot also be said that he must make out an exceptional case before his petition for bail can be entertained. Acceptance of the view as laid down by the Court in Usmans case may result in defeating the right to liberty as guaranteed under the Constitution.*

13. Even otherwise, the Courts respect the principle of hierarchy. This, however, cannot mean that the doors of this Court shall be shut out to a person whose liberty is under an imminent threat and he will be allowed entry only after the bail has been declined by the Sessions Court. Accepting this principle may result in denial of liberty. We need to remember that for a majority of people, the sight of prison is painful. The thought of the trauma is terrifying. It creates a terror in the mind. The court cannot be mindless of such a persons plight. The need to save him from the shame and shock has to be kept in view.

14. *Thus, it is no surprise that the statute has given the applicant a choice. On a plain reading of the statutory provisions, it is clear that the right to choose the forum is with the person who is apprehending arrest or has been actually arrested. This right should not be curtailed by any self imposed restraint. Such restrictions, as mentioned in the order, can result in more harm than good and*



defeat the object with which the provision was introduced.

17. *In view of the above, we are of the opinion that the provisions of S.438 and S.439 do not call for a restricted interpretation. The citizen has the right to choose. His application should be considered. Each case should be examined on its own merits. If it is found that the ground for grant of bail is not made out, the Court has the full jurisdiction to deny relief. Equally, if a case is made out, the citizens liberty should not be allowed to be curtailed. However, we do not find any ground to deny the citizens right to choose the forum to approach the Court and to make a prayer. This is not warranted by the provision."*

17. Thus as far as this Court is concerned, until another binding decision is laid down, the ratio of the decision in **Balan** (supra) is binding.

18. Apart from the above, in the Constitution Bench decision in **Shri.Gurbaksh Singh Sibbia and Others v. State of Punjab** [(1980) 2 SCC 565], it was observed that "if an application for anticipatory bail is made to the High Court or to the Sessions Court, it must apply its own mind to the question and decide whether a case has been made out for granting such relief. It cannot leave the question for the decision of the Magistrate concerned under section 437 of the Code as and when an occasion arises. Such a course will defeat the very object of section 438."

19. Yet again in **In Kanumuri Raghurama Krishnam Raju v. State of Andhra Pradesh and Others** [2021 (13) SCC 822], while dealing with a case for regular bail under section 439 of the erstwhile Cr.P.C, which also conferred concurrent jurisdiction to the Sessions Court and the High Court, the Supreme Court observed that "*The jurisdiction of the Trial Court as well as the High Court under S.439 of the Code of Criminal Procedure is concurrent and merely because the High Court was approached by the appellant without*



approaching the Trial Court would not mean that the High Court could not have considered the bail application of the appellant. As such, in our view, the High Court ought to have considered the bail application of the appellant on merits and decided the same."

20. In this context, it is also relevant to note that a Full Bench of the Himachal Pradesh High Court had, in **Mohan Lal and Others v. Prem Chand and others** [AIR 1980 HP 36], held that persons can apply for revision or anticipatory bail to the High Court directly, without first invoking the jurisdiction of the Sessions Court. It was observed that in the case of anticipatory bail, forcing a person to move the Sessions Judge first, may result in an uncalled for curtailment of his right as the provision relates to the liberty of a person. A similar view was expressed by the Andhra Pradesh High Court in **Y.Chandrasekhara Rao and Others v. Y.V Kamala Kumari and Others** [1993 SCC Online AP 243] and the Court went on to hold that "the concurrent jurisdiction and the choice given to the affected person cannot be impaired by any restrictive interpretation, contrary to the specific language, on the strength of rule of practice". Moreover, in **Gurbaksh Singh Sibbia** (supra) also, it was observed that "words of width and amplitude out not generally to be cut down so as to read into the language of the statute restrains and conditions which the legislature itself did not think it proper or necessary to impose.

21. In view of the above, and in the light of the binding precedents of the Supreme Court in **Gurbaksh Singh Sibbia** (supra), and **Kanumuri Raghurama Krishnam Raju** (supra) apart from that of this Court in **Balan**



(supra), an application for anticipatory bail is maintainable in the High Court and the party is at liberty to choose the forum. Until a contrary precedent is laid down by the Supreme Court, this Court is bound to follow the above propositions of law.

22. Even otherwise, in the instant case, considering the nature of allegations, and the matter having been entertained and heard at length and even reserved for orders initially on 22-08-2025, much before the observations in **Mohammed Rasal C** (supra), special circumstances exist to pass orders on merits, rather than relegate the parties to the Sessions Court. Hence, this bail application is maintainable.

Issue No.(ii). *Whether the petitioners are or any one of them is entitled to anticipatory bail?*

23. The defacto complainant has alleged sexual abuse extending over a period of around one year, by the first petitioner who runs a software company based in Info Park Ernakulam. The defacto complainant was the Executive Assistant to the Managing Director - the first petitioner. A perusal of the complaint produced as Annexure R2(b) indicates that there are serious allegations of sexual assault on the victim. Specific allegations have been raised of attempts to even commit rape on her and also forcing her to do oral sex inside the office room and at fire exits which were accessible only to the first accused and the top management staff. Instances of sexual abuse during air travel, physically groping the defacto complainant without her consent, exhibiting his private parts, attempting to force the defacto complainant to hold his genitals are also alleged. Demands for sex along with two other



persons at the same time, demanding to perform lesbian acts with other female staff, insisting on sex chats with the first accused through mobile phone, demands for videographing the defacto complainant's sexual relationship with her husband and forwarding it to the first accused are also some of the allegations raised against the first petitioner. An instance of the first petitioner masturbating while moaning the name of the defacto complainant is alleged to have been sent as a video to her mobile phone. Various other digital evidences of sexual abuse are also alleged to be available on the mobile phones and laptop of the defacto complainant. After the statement of the victim under section 183 BNSS was recorded, section 64 of BNS was incorporated in view of the nature of statement.

24. On a perusal of the case diary, few anomalies were identified about the manner in which investigation is proceeding. Though the defacto complainant filed her complaint on 04-08-2025 and the FIR was registered on 05-08-2025 at 03.34 AM, her statement under section 183(6) of BNSS was not recorded until 11-08-2025, when a letter is reported to have been sent to the defacto complainant asking her to appear for giving the statement. Section 183(6) mandates that the statement must be recorded as soon as an offence is noticed by the police. Surprisingly, the defacto complainant was not sent to the Magistrate for recording her statement. Of course there is a reference that she was called over mobile phone to appear for giving the statement but the details as to when the call was made is not mentioned, while the defacto complainant had even filed a petition on 11-08-2025 before the Magistrate seeking a direction for recording her statement under section 183(6) of BNSS.



Further, despite there being allegations of attempt to commit rape, mentioned in the complaint given in writing to the police, the FIR curiously did not include even section 62 of BNS. The defacto complainant has also sent e-mails to the State Police Chief at 10.52 AM on 05-08-2025 and at 11.31 AM to the SHO of Infopark Police Station pointing out the non-inclusion of relevant provisions in the FIR. It needs to be noted that, in the meantime, on the date of registration of the FIR itself, the statements of four staff of the first accused were recorded. Somehow, the manner in which the investigation is being conducted into an allegation of sexual harassment does not inspire the confidence of this Court. In this context, the contention of the learned Counsel for the de facto complainant that the FIR was registered without including all the relevant provisions of law, under the influence of the first accused has to be borne in mind.

25. True, that the defacto complainant contends that the incident at the hotel alleging 'honey trap' was stage managed to seize the mobile phones and other devices, for deleting its contents. The defacto complainant's contention that the clause in Annexure A17 relating to the digital content including chats, screenshots and other related materials in possession of the defacto complainant shall not be published or transmitted to third parties, tends to indicate that such digital evidence is available is no doubt impressive. However, those are all matters which are the subject matter of investigation in crime No. 1041/2025 of Central Police Station, Ernakulam, and it is not proper for this Court to enter into a discussion on that in this bail application.

26. Nevertheless, it is disturbing to note that the mobile phones and laptop



of the defacto complainant seized on 29-07-2025, in connection with Crime No. 1041/2025, was done, curiously, without any seizure mahazar. Further, surprisingly, the seizure of those mobile phones and laptop were neither seen to have been immediately reported or produced before the Magistrate. A seizure mahazar of the mobile phones and laptop was prepared in connection with Crime No. 1041/2025 of Central Police Station, Ernakulam only on 05-08-2025, till which period, someone other than the defacto complainant would have been in custody of the phones. The defacto complainant has an apprehension that the crucial videos and other details available in those mobile phones and laptop would have already been deleted with the help of the police for which purpose the 'honey-trap crime' was stage managed. The defacto complainant has filed applications before the Chief Judicial Magistrate to protect the videos in those devices as well as the CCTV cameras as she apprehends that the police will be influenced and they will delete those videos, if not already done, since those devices remained in their 'illegal custody' for several days.

27. As far as the audio recording produced as a pen drive is concerned, apart from it being in connection with Crime No. 1041/2025 of Central Police Station, Ernakulam, its admissibility, as a piece of evidence, is a matter to be decided at the time of evidence. Various factors will have to be satisfied before accepting such an audio recording. The various caveats include identity of the voice, audibility and accuracy of the recording, absence of any tampering, reliability of the medium of recording, the context in which the audio recording was made etc., will have to be proved in evidence. It is also noticed from



Anexure A31 video clip of one of the accused allegedly conversing with the husband of the defacto complainant, insisting on the presence of the defacto complainant also during one of their proposed meetings. Of course these are all matters for investigation

28. In this context, the allegation of the defacto complainant that the first petitioner runs a software establishment and has the expertise to digitally create content and even fabricate e-mails, cannot be ignored. The different email addresses and the content of some of the emails are pointed out as those created by the first petitioner and his supporting staff. A reading of Annexure A4 indicates that an e-mail has been generated allegedly by the defacto complainant, sending it to various persons, including the first and second petitioners and the children of the defacto complainant, making serious allegations against the defacto complainant's husband. The said mail is stoutly denied by the defacto complainant who alleges that it was fabricated by the petitioners using their expertise. A reading of the content of the said e-mail does create doubts about its source as it attempts to justify every allegation against the first accused as false and fabricated, while at the same time it portrays the husband of the defacto complainant as a mean, abusive and violent person. The stated purpose of sending such an e-mail is baffling. However, these are also aspects that require a thorough probe.

29. Be that as it may, in matters involving grave allegations of sexual harassment, when the Court is not convinced of the allegations being wholly false, it is always appropriate that the investigating officer be given a free hand to take the investigation to its logical conclusion rather than in curtailing it. Any



interference will not only weaken the investigation but can also create significant hurdles and even hamper the collection of evidence.

30. In a recent decision in **Krishna Mohan Reddy P. v. State of Andhra Pradesh** [2025 LiveLaw (SC) 598], the Supreme Court had observed that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of pre-arrest bail. It was also observed that success in interrogation will elude, if the suspected person knows that he is well protected and insulated by a prior bail order during the time he is interrogated. Similarly, in **State rep. by the CBI v. Anil Sharma**, [(1997) 7 SCC 187] it was observed by the Supreme Court that a blanket order fully insulating a person from arrest would make his interrogation a mere ritual.

31. On an appreciation of the entire circumstances arising in this case, this Court is of the view that the first petitioner cannot be protected with an order of pre-arrest bail. The offence of rape has also been included during the course of investigation. The offences alleged against the first accused are very serious and considering his alleged influence, there is every chance that he may influence the witnesses or tamper with the evidence. In this context, this Court cannot ignore the salient objectives of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The said statute has adopted the concept that protection against sexual harassment and right to work for women, with dignity, is a recognised human right as per the Convention on the Elimination of All Forms of Discrimination against Women, which has been ratified by the Government of India on the 9th July, 1993. When



the owner of an establishment itself is alleged to have committed serious offences including rape and there are materials to suggest the allegations to be prima facie justified, protecting him with an order of anticipatory bail will render the investigation ineffective. Hence anticipatory bail to the first petitioner has to be declined.

32. As far as petitioners 2 to 4 are concerned, there are no specific allegations of sexual abuse or harassment against them. The allegations against them relate to threats to implicate the defacto complainant in a honey trap case. Considering the nature of allegations against those petitioners, this Court is of the view that they can be granted anticipatory bail subject to conditions. Accordingly, this application as relating to petitioners 2 to 4 is allowed on the following conditions:

(a) Petitioners 2 to 4 shall appear before the Investigating Officer on 18-09-2025 and shall subject themselves to interrogation.

(b) If after interrogation, the Investigating Officer proposes to arrest petitioners 2 to 4, then, they shall be released on bail on them executing a bond for Rs.50,000/- (Rupees fifty thousand only) each, with two solvent sureties each for the like sum before the Investigating Officer.

(c) Petitioners 2 to 4 shall appear before the Investigating Officer as and when required and shall also co-operate with the investigation.

(d) Petitioners 2 to 4 shall not intimidate or attempt to influence the witnesses; nor shall they tamper with the evidence or contact the victim or her family members.

(e) Petitioners shall not commit any similar offences while they are on



bail.

In case of violation of any of the above conditions or if any modification or deletion of the conditions are required, the jurisdictional Court shall be empowered to consider such applications if any, and pass appropriate orders in accordance with law, notwithstanding the bail having been granted by this Court.

33. Considering the gravity of the offences alleged against the first petitioner and the stage of the investigation, I am of the view that this is not a fit case to protect him with an order of pre-arrest bail. Hence the bail application of the first petitioner is dismissed.

Thus, this bail application as relating to petitioners 2 to 4 is allowed and that of the first petitioner is dismissed.

Sd/-

**BECHU KURIAN THOMAS
JUDGE**

vps

APPENDIX OF BAIL APPL. 9589/2025

PETITIONER'S/S' ANNEXURES

Annexure A1	TRUE COPY OF THE RESIGNATION LETTER DATED 15.05.2025
Annexure A2	TRUE COPY OF THE REQUEST FOR EARLY RELIVING LETTER DATED 10.07.2025
Annexure A3	TRUE COPY OF THE INSTAGRAM CHAT DATED 11.07.2025
Annexure A4	TRUE COPY OF THE E-MAIL DATED 15.07.2025 SENT FROM THE PERSONAL EMAIL ACCOUNT OF THE DE FACTO COMPLAINANT
Annexure A5	TRUE COPY OF THE EMAIL DATED 18.07.2025 SENT FROM THE PERSONAL EMAIL ACCOUNT OF THE DE FACTO COMPLAINANT
Annexure A6	TRUE COPY OF THE WHATSAPP CHAT BETWEEN THE HUSBAND OF THE DE-FACTO COMPLAINANT AND ACCUSED NO 4, ON 27.07.2025
Annexure A7	TRUE COPY OF THE WHATSAPP CHAT DATED 28.07.2025
Annexure A8	TRUE COPY OF THE WHATSAPP CHAT DATED 28.07.2025
Annexure A9	TRUE COPY OF THE MESSAGES SHARED THROUGH WHATSAPP CHAT BY THE DEFACTO COMPLAINANT TO ACCUSED NO 4, DATED 26.07.2025 AND 27.07.2025
Annexure A10	TRUE COPY OF THE ERROR MESSAGE DATED 28.07.2025
Annexure A11	TRUE COPY OF THE TRANSACTION DETAILS FOR THE TRANSFER OF RS 50.000/- TO THE ACCOUNT OF THE DE-FACTO COMPLAINANT DATED 28.07.2025
Annexure A12	TRUE COPY OF THE WHATSAPP CHAT, THE DE-FACTO COMPLAINANT HAD WITH THE ACCUSED NO 4 ON 28TH



OF JULY 2025, ACKNOWLEDGING THE RECEIPT OF
THE PAYMENT OF RS 50,000/-

- Annexure A13** TRUE COPY OF THE FIR DATED 28.07.2025, IN
CRIME NO. 1041/2025 OF CENTRAL POLICE
STATION, ERNAKULAM CITY
- Annexure A14** TRUE COPY OF THE FIS DATED 28.07.2025, IN
CRIME NO. 1041/2025 OF CENTRAL POLICE
STATION, ERNAKULAM
- Annexure A15** TRUE COPY OF THE SEIZURE MAHAZER DATED
29.07.2025 IN CRIME NO. 1041/2025 OF CENTRAL
POLICE STATION, ERNAKULAM
- Annexure A16** TRUE COPY OF THE CHEQUE NOS. '147491 AND
147492' DATED 30.08.2025 AND 30.09.2025
- Annexure A17** TRUE COPY OF THE CONDITIONAL SETTLEMENT FRAME
WORK AGREEMENT DATED 29.07.2025
- Annexure A18** TRUE COPY OF THE COMMON ORDER DATED
30.07.2025 IN CRL.MP NO.6539/25 & 6540/2025
PASSED BY THE CHIEF JUDICIAL MAGISTRATE
COURT, ERNAKULAM
- Annexure A19** FIRST AUDIO RECORDING OF THE CONVERSATION
BETWEEN THE ACCUSED AND WITNESS
- Annexure A20** SECOND AUDIO RECORDING OF THE CONVERSATION
BETWEEN THE ACCUSED AND THE WITNESS
- Annexure A21** THIRD AUDIO RECORDING OF THE CONVERSATION
BETWEEN THE ACCUSED AND WITNESS
- Annexure A22** FOURTH AUDIO RECORDING OF THE CONVERSATION
BETWEEN THE ACCUSED AND WITNESS
- Annexure A23** FIFTH AUDIO RECORDING OF THE CONVERSATION
BETWEEN THE ACCUSED AND WITNESS
- Annexure A24** SIXTH AUDIO RECORDING OF THE CONVERSATION
BETWEEN THE ACCUSED AND WITNESS
- Annexure A25** SEVENTH AUDIO RECORDING OF THE CONVERSATION
BETWEEN THE ACCUSED AND WITNESS



Annexure A26	TRANSCRIPT OF THE AUDIO RECORDING OF THE CONVERSATION BETWEEN THE ACCUSED AND THE WITNESS
Annexure A27	TRUE COPY OF THE FINAL MUTUAL SETTLEMENT AND RELEASE AGREEMENTS DATED 30.09.2025 WITH E-STAMP SERIAL NUMBERS 202526000002726884
Annexure A28	TRUE COPY OF THE RELEASE AGREEMENTS DATED 30.09.2025 WITH E-STAMP SERIAL NUMBER 202526000002726760
Annexure A29	TRUE COPY OF THE TWO CONDITIONAL SETTLEMENTS FRAMEWORK AGREEMENTS DATED 29.07.2025 WITH E-STAMP SERIAL NUMBERS 202526000002726679
Annexure A30	TRUE COPY OF THE ISO/IEC 27001:2022 CERTIFICATION
Annexure A31	TRUE COPY OF THE SAID VIDEO AND TRANSCRIPT OF THE RELEVANT PORTION OF THE CONVERSATION DATED 25.07.2025
Annexure A32	TRUE COPY OF THE ABOVE TRANSCRIPT DATED 23.07.2025 ALONG WITH AUDIO
Annexure A33	TRUE COPY OF TRANSCRIPT OF RELEVANT CONVERSATION DATED 25.07.2025
Annexure A34	TRUE COPY OF THE F.I.R IN CRIME NO. 0156/2022 REGISTERED ON 25.07.2022 IN KORAMANGALA POLICE STATION ALONG WITH ENGLISH TRANSLATION
Annexure A35	TRUE COPY OF THE NOTICE DATED 18.08.2025 ISSUED BY INFO PARK POLICE STATION

RESPONDENT ANNEXURES

Annexure R2 (a)	THE TRUE COPY OF THE ORDER DATED 07.08.2025 IN CRL.MP NO. 6778/2025 IN CRIME NO. 1041/2025 PASSED BY THE CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM
Annexure R2 (b)	THE TRUE COPY OF THE COMPLAINT DATED 02.08.2025 PREFERRED BEFORE THE STATION HOUSE OFFICER, INFOPARK POLICE STATION, KAKKANAD



ALONG WITH THE RECEIPT DATED 04.08.2025

- Annexure R2 (c) THE TRUE COPY OF THE FIR IN CRIME NO. 235/2025 OF INFOPARK POLICE STATION DATED 05.08.2025
- Annexure R2 (d) THE TRUE COPY OF THE EMAILS SENT TO THE DIRECTOR GENERAL OF POLICE AND OTHER POLICE OFFICIALS DATED 05.08.2025
- Annexure R2 (e) THE TRUE COPY OF THE PETITION IN CRL MP NO. 3413/2025 IN CRIME NO. 235/2025 PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KAKKANAD
- Annexure R2 (f) THE TRUE COPY OF THE REPORT FILED BY THE STATION HOUSE OFFICER, INFOPARK POLICE STATION DATED 11.08.2025
- Annexure R2 (g) THE TRUE COPY OF THE PROCEEDINGS IN CRL MP NO. 3413/2025 ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE, KAKKANAD DATED NIL
- Annexure R2 (h) THE TRUE COPY OF THE SCREENSHOT OF THE CHAT RECEIVED BY THE APPLICANT FROM SCPO MAYA ON 10.08.2025
- Annexure R2 (i) THE TRUE COPY OF THE SUMMONS DATED 13.08.2025 SERVED TO THE APPLICANT IN CRIME NO. 235/2025 OF INFOPARK POLICE STATION
- Annexure R2 (j) THE TRUE COPY OF THE REPORT FILED BY THE INSPECTOR OF POLICE, INFOPARK POLICE STATION DATED 13.08.2025 ALONG WITH THE DOCUMENTS
- Annexure R2 (k) THE TRUE COPY OF THE PETITION IN CRL MP NO. 6778/2025 ON THE FILES OF CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM DATED 03.08.2025
- Annexure R2 (l) THE TRUE COPY OF THE LIST OF PROPERTY SENT TO MAGISTRATE DATED 06.08.2025 SENT BY SI OF POLICE, CENTRAL POLICE STATION, ERNAKULAM
- Annexure R2 (m) THE TRUE COPY OF THE LIST OF PROPERTY SENT TO MAGISTRATE DATED 06.08.2025 SENT BY SI OF POLICE, CENTRAL POLICE STATION, ERNAKULAM



B.A. No.9589/25

27

2025:KER:67360

Annexure R2 (n)

THE TRUE COPY OF THE REPORT DATED 06.08.2025
SUBMITTED BEFORE THE CHIEF JUDICIAL
MAGISTRATE COURT, ERNAKULAM BY THE POLICE SUB
INSPECTOR

Annexure R2 (o)

THE TRUE COPY OF THE REPORT DATED 06.08.2025
SUBMITTED BEFORE THE CHIEF JUDICIAL
MAGISTRATE COURT, ERNAKULAM BY THE POLICE SUB
INSPECTOR