



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

MONDAY, THE 26TH DAY OF MAY 2025 / 5TH JYAISHTA, 1947

BAIL APPL. NO. 5091 OF 2025

CRIME NO.396/2025 OF Pettah Police Station, Thiruvananthapuram

PETITIONER/ACCUSED:

SUKANTH SURESH P.,
AGED 31 YEARS, S/O. SURESH P.,
POOVATHANKANDI HOUSE,
VATTAMKULAM. P.O., EDAPPAL,
MALAPPURAM, PIN - 679578

BY ADVS.
SRI.C.P.UDAYABHANU
SRI.NAVANEETH N.NATH
SRI.RASSAL JANARDHANAN A.
SRI.P.R.AJAY
SRI.BOBAN PALAT
SRI.P.U.PRATHEESH KUMAR
SRI.K.U.SWAPNIL
SMT.SWETHA BIJUMON
SRI.PRANAV USHAKAR
SMT.R.K.ASHA
SRI.ABHILASH A.J.

RESPONDENTS/COMPLAINANT:

- 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
- 2 STATION HOUSE OFFICER,
PETTAH POLICE STATION,
THIRUVANANTHAPURAM, PIN - 695024
- *3 NISHA CHANDRAN,
AGED 47 YEARS, W/O. MADHUSOODANAN G.,
POOZHIKADU HOUSE,



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ATHIRUMKAL P.O., KODAL,
PATHANAMTHITTA DISTRICT -689693

*(ADDL.R3 IS IMPEADED AS PER ORDER DATED 16.04.2025 IN
CRL M.A. NO.2/2025 IN BA NO.5019/2025

BY ADVS.

SMT.SREEJA V., PUBLIC PROSECUTOR
SRI.GEORGE MATHEW
SMT.STEPHY K REGI
ADV.ADITHYA BENZEER
SMT.MEDHA B.S.
SRI.JOHN ZACHARIAH DOMINIC
SRI.V.S.VINEETH KUMAR
SRI.SUNIL KUMAR A.G
SRI.MATHEW K.T.
SRI.GEORGE K.V.
SRI.BOBY MATHEW

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.05.2025, THE COURT ON 26.05.2025 DELIVERED THE FOLLOWING:

**"C.R."****BECHU KURIAN THOMAS, J.****B.A. No.5091 of 2025**Dated this the 26th day of May, 2025**ORDER**

Petitioner apprehends arrest in connection with the suicide of a young lady. Petitioner is alleged to have inter-alia, abetted the said act. Apprehending arrest, petitioner seeks anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'the BNSS').

2. On 24.03.2025, upon receiving information that the dead body of a lady of around 24 years in age was found near the railway tracks at Chakka Railway Bridge, Crime No.396/2025 of Pettah Police Station, Thiruvananthapuram was registered under section 194 of the BNSS. Subsequently, after identifying the deceased as Ms. Megha, and on recording the statement of her father apart from conducting initial investigation, the offence was altered to sections 108, 318(4), 316(3) and section 69 of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS'). Petitioner is thus arrayed as the first accused while his uncle was subsequently added as the second accused.

3. Petitioner is an officer of the Intelligence Bureau and pleads that though he was in a relationship with the deceased, and both of them were intending to get married, since her parents were against the marriage she was under severe stress, which led her to commit suicide. He asserts that he had not indulged in any



act that could have contributed to her death.

4. In a statement filed by the investigating officer, it is pleaded that since materials have been obtained during investigation that petitioner was behind the death of Ms. Megha and soon after she committed suicide, he switched off his phone and absconded. According to the investigating officer, the statements of witnesses questioned so far and the documentary materials collected indicate that the deceased committed suicide due to extreme mental agony that arose out of the mental torture inflicted by the petitioner. It is also stated that while the petitioner maintained parallel relationships with other women, he even tried to force the deceased to commit suicide. The call records between the petitioner and the deceased were referred to, which will indicate that the last call was made by the deceased to the petitioner. It is further stated that even the entire salary was being transferred by the deceased to the petitioner from October 2024 onwards. The statement of the investigating officer narrates the various steps adopted by them to trace out the petitioner, but all of no avail.

5. The mother of the deceased, who was impleaded as additional third respondent, filed a counter affidavit stating that petitioner had sexually exploited the deceased and that he had impregnated her and thereafter forged a wedding invitation card and got the pregnancy medically terminated. She further stated that they - the parents of the deceased, had given their consent to the marriage with the petitioner and had no objection at all. However, it was the petitioner who had sent a message to the mother of the deceased expressing his difficulty to consider marriage.



6. Sri.C.P.Udayabhanu, learned counsel for the petitioner contended that the prosecution allegations are totally false and the petitioner is absolutely innocent. According to the learned counsel, the petitioner and the deceased were colleagues and their decision to get married was opposed by the parents of the deceased who prohibited her from maintaining any contacts with the petitioner as a result of which, the deceased felt distressed. It was submitted that, due to the pressure exerted by her parents, who forced her to agree for another marriage proposal against her will, she committed suicide by jumping in front of a train on 24.03.2025. The learned counsel submitted that petitioner has no role in the deceased taking her life and has also not abetted the same. According to the learned counsel, petitioner is a person who has been seriously affected by the untimely demise of his beloved partner and he has not only lost his life's love but it has also shattered him and deprived him of the very meaning of his existence. The learned counsel also submitted that, there are no materials to implicate him for the offence of abetment of suicide and the police is attempting to fabricate materials against the petitioner to rope him in a false case. The decisions in **Krishnadas P v. State of Kerala and Another** [2017 (2) KLT 579], **Damodaran A.T.V and Another v. State of Kerala and Another** [2018 (1) KLT 883] **Syamkrishna K.R v. State of Kerala** [2024 KHC 350] and **Gurcharan Singh v. State of Punjab** [(2017) 1 SCC 433] were relied upon to buttress his submissions.

7. Smt. Sreeja V., the learned Public Prosecutor on the other hand contended that sufficient materials have been unearthed during the investigation conducted so far, which clearly indicate that petitioner had abetted the suicide.



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According to the learned Public Prosecutor, the call data records and the bank statement of the victim, apart from medical records recovered so far, point out to the petitioner's involvement and instigation in the deceased taking her life. It was also pointed out that the deceased had even become pregnant through the petitioner and at his insistence she underwent medical termination of pregnancy. It was also pointed out that despite promising to marry her, petitioner had carried out relationships with other ladies and even repeatedly prompted her to commit suicide. The WhatsApp chats between the petitioner and the deceased unearthed so far, undoubtedly indicate that petitioner was prompting the deceased to commit suicide and custodial interrogation alone will bring out the intricate details. The learned Public Prosecutor handed over the case diary to convince the court the details of investigation conducted so far.

8. Sri. George Mathew, the learned Counsel for the mother of the deceased also supported the arguments of the prosecution.

9. While appreciating the rival contentions, it needs to be mentioned that petitioner is an officer of the Intelligence Bureau working at Nedumbassery while the deceased was, at the time of her death, working in the same Department but at Thiruvananthapuram. The pleadings and the records produced reveal certain irrefutable circumstances of the case which include that petitioner and the deceased were in a relationship. It is also apparent that an apartment was rented by the petitioner at Nedumbassery in Ernakulam, close to the workplace of the petitioner and both of them had even stayed together in the said apartment, though the deceased was working at Thiruvananthapuram. Even on 21.03.2025, three



days before the deceased committed suicide, she had stayed at Nedumbassery with the petitioner.

10. Though petitioner claims that he is distraught and heartbroken due to the death of his lover and asserted that the reason for the deceased taking the extreme step was due to the pressure from her parents to agree for another marriage, the investigation conducted so far has, prima facie, revealed a different picture altogether. Some of the crucial circumstances that have come out from the investigation are the following:

- (a). Petitioner had been involved in multiple relationships with more than two women and continued those relationships almost at the same time and even maintained physical relationships with them.
- (b). Petitioner wielded considerable power over the deceased and she was transferring her entire salary every month from October 2024 onwards to the petitioner.
- (c). The deceased became pregnant through the petitioner, which was later medically terminated.
- (d). A part of the WhatsApp chat retrieved from a deleted account reveals that the petitioner had been harassing the deceased mentally and exerting dominance and compelling the deceased to submission.
- (e). The statement of other witnesses as well as the WhatsApp chat records retrieved so far point towards the petitioner exerting dominance over the deceased and repeatedly prompting her to die and even goading her to fix the date of her death.
- (f). Before the deceased committed suicide, she was seen vigorously texting someone, the contents of which have not been retrieved yet, while the call data records reveal that just before her death she was in a call with the petitioner.



11. The above materials collected so far could be the tip of the iceberg.

The circumstances do indicate that petitioner's relationship with the deceased had some role in her taking the extreme step. Nonetheless, to what extent the petitioner had prompted the deceased to commit suicide or did something which resulted in her taking her life are all matters which needs to be probed and ascertained during investigation.

12. Section 108 of BNS deals with abetment of suicide. However, to come within the purview of abetment of suicide, the ingredients of abetment as defined in Section 45 of BNS are required to be satisfied. One of the primary requirements of the said provision is 'instigation'. Section 45(a) of BNS states that "*a person abets the doing of a thing, who instigates any person to do that thing*". The terminology used in the provision is specific that the instigation to attract the offence of section 108 BNS, the accused must have urged or prodded the deceased to commit suicide. No doubt, the crucial ingredient to attract the offence of abetment of suicide, is the element of mens rea, while the essence of the offence of abetment of suicide lies in, not what the deceased felt, but what the accused intended. The observations of this Court in **Radhika Kapahtia (Dr.) v. State of Kerala** [2024 (2) KLT 635] is relevant in this context.

13. The term 'instigation' has not been defined in BNS. Similar was the position in Indian Penal Code, 1863 as well. The courts have adopted the dictionary meaning of the term 'instigate' to comprehend the scope of the term. The word 'instigate' literally means to urge to do something drastic or an inadvisable action or stimulate or incite. It also means to provoke, incite, urge on or bring about by



persuasion to do anything. (See the decisions in **Sanju Alias Sanjay Singh Sengar v. State of Madhya Pradesh** [(2002) 5 SCC 371], **Goura Venkata Reddy v. State of Andhra Pradesh** [(2003) 12 SCC 469], and **Patel Babubhai Manohardas v. State of Gujarat**, [2025 INSC 322]).

14. The circumstances mentioned earlier in this order, as revealed from the investigation conducted so far, ought to be appreciated in the light of the principles laid down in the above referred decisions. On such an appreciation, it transpires, at least prima facie, that the petitioner was in a position of control or dominance over the deceased and was repeatedly prompting her to take her life, in order to get married to another lady. Petitioner had even coerced the deceased to fix the date when she will take her life and repeatedly abused her as revealed from the chat history retrieved from one of the deleted accounts of a phone seized during investigation.

15. As observed by the Supreme Court in **Mahendra K.C v. State of Karnataka and Another** [(2022) 2 SCC 129] how an individual copes up with a threat - both physical and emotional, expressing (or refraining to express) love, loss, sorrow and happiness, varies greatly in view of the multi-faceted nature of the human mind and emotions. Hence, when the petitioner, to whom the deceased was madly in love, to the extent of completely surrendering herself not only physically and mentally but even financially, urged, repeatedly, to end her life to enable him to marry another person, it cannot be concluded, at this early stage, that such a conduct was not an 'instigation' as per section 45 of BNS. If in a case of this nature, the suspect is protected by an order of pre arrest bail, the investigating officer will



be severely handicapped and an effective probe will be deeply prejudiced.

16. Further, in a recent decision in **P. Krishna Mohan Reddy 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.

17. As an order of pre-arrest bail to the petitioner may impede and harm the investigation by restricting the prospects of unearthing relevant materials and considering the nature of materials that have come out during investigation conducted till now, this Court is of the view that petitioner is not entitled for anticipatory bail.

Accordingly, this application for anticipatory bail is dismissed.

Sd/-

**BECHU KURIAN THOMAS
JUDGE**

vps



APPENDIX OF BAIL APPL. 5091/2025

PETITIONER'S/S' ANNEXURES

Annexure 1

COPY OF THE FIR IN CRIME 396/2025 OF PETTAH
POLICE STATION