

[2026 LiveLaw \(SC\) 378](#)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

B.V. NAGARATHNA; J., UJJAL BHUYAN; J.

Special Leave Petition (Crl.) No.15379 of 2025; April 16, 2026

venu GOPALAKRISHNAN versus STATE OF KERALA & ANOTHER

Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) – Section 482 – Grant of Anticipatory Bail – The Supreme Court granted anticipatory bail to a businessman accused of sexual harassment and rape under Sections 351(2), 64, 74, 75, and 79 of the Bharatiya Nyaya Sanhita (BNS) and Section 67A of the IT Act - Noted that the FIR lodged by the complainant appeared to be a "counter-blast" to an earlier FIR filed by the appellant alleging extortion.

Key Findings & Observations – i. Settlement Negotiations as Context - Supreme Court noted that prior to the FIR, the parties had engaged in meetings where a financial settlement of ₹30 crores was discussed to bring a "quietus" to the allegations; ii. Preceding Extortion Case - The appellant had previously filed FIR No. 1041/2025 against the complainant and her husband for extortion, leading to their arrest, prior to the filing of the rape allegations; iii. Sequence of Events - Supreme Court highlighted that had the financial settlement reached its logical conclusion, criminal proceedings likely would not have been initiated - The complainant's FIR was filed only after the appellant refused the settlement and initiated criminal action against the couple. [Paras 21-28]

[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 11-09-2025 IN BA NO. 9589/2025 PASSED BY THE HIGH COURT OF KERALA AT ERNAKULAM]

For petitioner - Mr. Mukul Rohatgi, Senior Advocate; Mr. Raghenth Basant, Senior Advocate; Mr. Thomas J. Anakkallunkal, Advocate; Mr. Sameer Rohatgi, Advocate; Ms. Anupa Anna Jose Kandoth, Advocate; Ms. Dhanya Sunny, Advocate; Ms. Hima Bhardwaj, Advocate; and Mr. Vishnu P., AOR.

For complainant - Ms. Karuna Nundy, Senior Advocate; Mr. Vipul Kumar, AOR; Mr. Amanpreet Singh, Advocate; Mr. Shiv Mehrotra, Advocate; Mr. Prajwal Tiwari, Advocate; Ms. Shivangshi Mitra, Advocate; Ms. Vaishnavi Rao, Advocate.

For the State - Mr. P.V. Dinesh, Senior Advocate; Mr. Nishe Rajen Shonker, AOR; Mrs. Anu K. Joy, Advocate; Mr. Alim Anvar, Advocate; Mr. Santhosh K., Advocate; Mr. Devika A.L., Advocate; and Ms. Anna Oommen, Advocate

J U D G M E N T

NAGARATHNA, J.

Leave granted.

2. The present criminal appeal has been preferred by the accused/appellant assailing the order dated 11.09.2025 passed by the High Court of Kerala in Bail Application No.9589/2025, wherein the High Court declined to grant him the relief of anticipatory bail in the proceedings arising out of FIR No.235 of 2025 dated 05.08.2025 registered at Infopark Police Station, Ernakulam alleging offences punishable under Sections 351(2), 64, 74, 75 and 79 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS") and 67A of the Information Technology Act, 2000. The complaint was filed by the respondent (hereinafter referred to as "respondent/complainant").

3. Briefly stated, the facts of the case according to the appellant are that the appellant, a businessman by profession, employed respondent/complainant in his company as an

Executive Assistant on 14.02.2024. After a brief stint in the company in the said post, the respondent/complainant resigned by sending an email dated 15.05.2025.

4. Thereafter, owing to alleged rumours circulating on social media platforms regarding an alleged illicit relationship between the appellant and the respondent/complainant, the husband of the respondent/complainant was contacted by the appellant and his associates and it was mutually agreed by the parties that a meeting shall be conducted at Taj Vivanta, Ernakulam to address the said issue.

5. On 24.07.2025, upon meeting the respondent/complainant along with her husband, who had married during her tenure in the company, it is alleged by the appellant that there was an explicit demand for a payment of Rs.30 crores to them. A settlement was arrived at by the parties, wherein the appellant agreed to pay the said amount in a staggered manner, and that a transfer of Rs.10 crores would be made by the appellant *via* RTGS and the remaining Rs.20 crores would be paid by two cheques of Rs.10 crores each. Pursuant to the said agreement, an amount of Rs.50,000/- (Fifty Thousand Rupees) was also transferred by the appellant to the joint account of the respondent/complainant and her husband.

6. In the interregnum, the appellant lodged a complaint on 28.07.2025 against the respondent/complainant and her husband culminating into FIR No.1041/2025 at Central Police Station, Ernakulam City under Section 308(2) read with Section 3(5) of BNS alleging extortion and illegal demand to the tune of Rs.30 crores.

7. On 29.07.2025, i.e. on the date of next meeting between the parties, the police authorities arrested the respondent/ complainant and her husband pursuant to FIR No.1041/2025. Subsequently, *vide* order dated 30.07.2025 in CrMP No.6539 of 2025 and CrMP No.6540 of 2025 the complainant and her husband were released on bail by the Chief Judicial Magistrate Court, Ernakulam on the ground of non-furnishing of notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS") and they continue to remain on bail.

8. Thereafter, the respondent/complainant proceeded to file a complaint on 05.08.2025 and pursuant thereto, FIR No.235/2025 was lodged at Infopark Police Station, Ernakulam against the appellant and three others for the offences punishable under Sections 351(2), 64, 74, 75 and 79 read with Section 3(5) of BNS and Section 67A of the Information Technology Act, 2000 alleging sexual harassment and rape.

9. Apprehending immediate arrest, in relation to the said FIR, the appellant along other co-accused preferred Bail Application No.9589/2025 before the High Court of Kerala at Ernakulam seeking anticipatory bail.

10. By the impugned order dated 11.09.2025, the High Court dismissed the Bail Application *qua* the appellant only while allowing it with respect to other co-accused. While disallowing the relief of anticipatory bail, the High Court observed that the offences alleged against the appellant are of very serious nature and considering his position in the company and his affluence in the society, there was a high chance that he might influence the witnesses or tamper with the evidence.

11. Aggrieved by the impugned order, the appellant has preferred the instant criminal appeal.

12. This Court by order dated 26.09.2025 issued notice and directed that no coercive steps shall be taken against the appellant herein subject to cooperating with the investigation. In order to explore the possibility of a settlement between the parties, this

Court vide order dated 05.12.2025 referred the matter to the Supreme Court Mediation Centre. Thereafter, on 13.03.2026, it was stated at the bar by the respective senior counsel and counsel of the parties that there was no possibility of a settlement between them and hence the said matter may be heard on merits.

13. We have heard learned senior counsel, Sri Mukul Rohatgi for the appellant and learned senior counsel Sri P.V. Dinesh for respondent/State and learned senior counsel Ms. Karuna Nundy for the respondent/complainant at length. We have perused the material on record.

14. Learned senior counsel appearing for the appellant submitted that the appellant is a well reputed businessman who has been targeted by the respondent/complainant and her husband through scandalous and malicious messages. It was pointed out that the respondent/complainant's husband had made threatening telephone calls making false accusations about an illicit relationship between the complainant and the appellant. It was contended that the complainant and her husband had filed the FIR against the appellant as an afterthought and counter blast to the criminal proceeding initiated by the appellant against them, and that the said FIR was lodged to extort money from him.

15. Elaborating the aforesaid contentions, learned senior counsel Sri Rohatgi submitted that the respondent/complainant joined the appellant's company on 14.02.2024 and she resigned through her e-mail dated 15.05.2025. The contents of the e-mail do not indicate any kind of harassment that was meted out to her by the appellant herein. It is only thereafter that the allegations commenced against the appellant herein and the respondent/ complainant and her husband were keen that there should be a financial settlement in the matter. In fact, the respondent/ complainant and her husband had also procured the stamp papers in order to document the terms and conditions under which a sum of Rs.30 crores had to be paid by the appellant to them by way of a settlement, copies of which have been appended as Annexures 'P13–P18". The stamp papers only contained the signatures of respondent/complainant. The whole attempt of the respondent/complainant and her husband was to somehow extort a sum of Rs.30 crores at least from the appellant so as to bring about a quietus to their false allegations made against the appellant herein. This is a case of "honeytrap" of the appellant through blackmail and threat.

16. Apprehending that the extortion may not end with payment of Rs.30 crores only, a complaint was made by the appellant against the second respondent and her husband on 28.07.2025. Pursuant to the complaint made by the appellant, the respondent/complainant and her husband were arrested and are on bail. It is only as an afterthought that on 05.08.2025, a complaint was registered against the appellant herein in order to enforce the financial settlement by the appellant herein by making a payment of Rs.30 crores to the respondent/complainant. It was contended that had there been a financial settlement between the respondent/complainant and her husband and the appellant herein, there would have been no criminal complaint made against the appellant herein. It is only because the settlement did not fructify that proceedings have been initiated against the appellant. He contended that the High Court has failed to appreciate the aforesaid aspects of the case. Hence, the impugned order may be set-aside and the relief of anticipatory bail may be granted to the appellant herein.

17. *Per contra*, learned counsel for the respondent/State, in support of the impugned order, submitted that since the investigation is at a preliminary stage and, in case, the appellant is released on bail, he may influence the witnesses and intimidate them as he is a person of considerable influence and resources. Lastly, it was submitted that the

allegations against the appellant are serious in nature and this warrants custodial interrogation. That any relief being granted to the appellant would jeopardise the investigation itself and as a result it would prejudice the victim.

18. Learned senior counsel for the respondent/complainant submitted that the complainant was subjected to rape and sexual assault for over a year and as the CEO of the company, the appellant wielded complete authority over the respondent/ complainant and the employees and the respondent/complainant was vulnerable to power imbalance and workplace dominance. It was further submitted that the High Court had observed that the manner of investigation into the respondent/complainant's FIR did not inspire confidence and noted that the respondent/ complainant's devices were seized without any seizure memo and therefore the impugned order warrants no interference from this Court.

19. Learned senior counsel drew our attention to the manner and as to how the respondent/complainant was sexually harassed and it was the appellant herein who was willing to settle with her and it was in that context that the meeting of the said respondent/ complainant and her husband with the appellant took place. Instead of giving a quietus to the controversy, the appellant took advantage of his dominant position and lodged a criminal complaint against the respondent/complainant and her husband which constrained them to seek bail on being arrested. That a person, such as the appellant herein deserves no relief whatsoever as the appellant herein ought to submit himself for custodial investigation or otherwise the truth of the matter would be buried. She therefore submitted that there is no merit in this appeal and the same may be dismissed.

20. We have given our consideration to the detailed arguments advanced at the bar. We have perused the material on record.

21. There is no dispute about the fact that pursuant to the allegations that were made by the respondent/complainant against the appellant herein, on 24.07.2025, there was a meeting held and according to the contents of the documents which have been annexed, a sum of Rs.30 crores was to be paid by the appellant to the respondent/complainant and her husband in tranches of Rs.10 crores each. In other words, they were willing to accept the amount to be paid by the appellant so as to bring about a quietus to their allegations against the appellant herein and to end all disputes between them. However, it was the appellant who was apprehensive about them and thought that he was trapped by the respondent/complaint and her husband and therefore filed a criminal complaint against them which resulted in their arrest and were granted bail. It is only thereafter that the respondent/ complainant filed a complaint against the appellant herein. In other words, had the financial settlement between the parties been taken to its logical conclusion, no criminal proceedings would have been initiated as against the appellant herein. On the other hand, it was the apprehension of the appellant herein which did not result in his agreeing to any financial settlement with the couple. Therefore, he filed FIR No.1041 of 2025 against them. It appears that as a counter blast, FIR No.235 of 2025 was lodged by the respondent/complainant against the appellant herein.

22. By interim order dated 26.09.2025, we had granted interim protection to the appellant herein subject to his cooperation with the investigation. Learned senior counsel appearing for the respondent-State submitted that the investigation is on. In the circumstances, we think that having regard to the facts and circumstances of this case, the interim order dated 26.09.2025 is liable to be made absolute and is therefore made absolute.

- 23.** Considering the facts and circumstances of the case, in our view, the accused/appellant is entitled to the relief claimed under Section 482 of BNSS. We, therefore, allow this appeal and set aside the impugned order passed by the High Court dated 11.09.2025 qua the appellant.
- 24.** We direct that in the event of arrest of the appellant, the Arresting Officer shall release the appellant on bail, subject to his furnishing a cash security in the sum of Rs.1,00,000/- (Rupees One Lakh only) with two like sureties.
- 25.** It is directed that the appellant shall extend complete cooperation in the ensuing investigation.
- 26.** The appellant shall not misuse his liberty and shall not in any way influence the witnesses or tamper with the material on record.
- 27.** Any infraction of the aforesaid conditions may entail in cancellation of anticipatory bail granted to the appellant.
- 28.** It is needless to observe that the observations made in the present appeal shall not come in the way of the trial or other proceedings pending between the parties which shall be decided on their own merits and in accordance with law.
- 29.** The appeal is allowed in the aforesaid terms.

© All Rights Reserved @LiveLaw Media Pvt. Ltd.

*Disclaimer: Always check with the original copy of judgment from the Court website. Access it [here](#)