IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE SEVENTEENTH DAY OF APRIL

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

CRIMINAL PETITION NO: 3229 OF 2025

Between:

Pilla Sridhar, S/o (Late) Ananda Rao, Aged 52 yrs, Krishna Nagar, Maharanipeta, Visakhapatnam, earlier at Texas, USA(House No.1009), Paradise CV Carlton, Texas (USA), (presently at Central Prision, Visakhapatnam)

...Petitioner/Accused

AND

The State of Andhra Pradesh, Through the S.H.O., of III town P.S., Visakhapatnam , Rep..by its Public Prosecutor, High Court at Amaravathi

...Respondent/Complainant

Petition under Sections 480 & 483 of BNSS, praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to Enlarge the Petitioner / Accused on Bail in connection with the Crime No.46/2025 of III Town Police Station, Visakahpatnam City by Allowing the Criminal Petition in the interest of the justice or otherwise he will be put to suffer a serious loss and hardship.

The Petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and upon hearing the arguments of SRI R SIVA SAI SWARUP Advocate for the Petitioner, and of PUBLIC PROSECUTOR, for the Respondent;

APHC010151412025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3369]
(Special Original Jurisdiction)

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THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

CRIMINAL PETITION NO: 3229/2025

Between:

Pilla Sridhar ...**PETITIONER/ACCUSED**

AND

The State Of Andhra Pradesh ...**RESPONDENT/COMPLAINANT**

Counsel for the Petitioner/accused:

1.R SIVA SAI SWARUP

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

The Court made the following ORDER:

1. This Criminal Petition, under Section 480 & 483 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short, 'BNSS'), is filed on behalf of the petitioner/accused, seeking regular bail in connection with Crime No.46 of 2025 of III Town Police Station, Visakhapatnam.

2. A case has been registered against the petitioner/accused for the offences punishable under Section 108, 77, 78(ii) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') and Section 67-A of I.T. Act.

3. The prosecution's case is that the defacto complainant, working as the Manager of Meghalaya Hotel, Visakhapatnam, stated that the accused checked into the hotel on 06.03.2025 at around 01:15 P.M. At approximately

01:40 P.M., the deceased, Mrs. K. Roja, entered the room. Around 03:35 PM, the accused requested the complainant to open the room door, claiming it had been locked by mistake. As the complainant entered, the accused was crying and stated that the deceased had become unconscious and was unresponsive in the bathroom. On opening the door, the deceased committed suicide by hanging. Based on the report of the defacto complainant, III Town Police, Visakhapatnam, registered a case in Cr.No.46/2025 under section 194 of BNSS. During the course of investigation, it emerged that the accused was a habitual womanizer. Upon arrest, he confessed to having persistently pursued the deceased, developed an acquaintance with her, and continuously stalked her under the pretext of love and had sexual intercourse with her for several times. The investigation further revealed that the accused had secretly recorded intimate moments between himself and the deceased without her consent; he threatened to disclose the recordings to her husband; on the date of the incident, the accused was called to the hotel room, and while attempting to record such moments again, the deceased noticed the act and confronted him about his behavior and the unauthorized recordings; then, the accused threatened the deceased to show the video recordings that were videographed previously and abetted her to commit suicide, due to threatening, the deceased went into the washroom and committed suicide by hanging with chunny to the shower rod. Later, the case was altered to Sections 108, 77, 78(ii) of BNS Act & Section 67-A of IT Act.

4. Learned counsel for the petitioner submits that the allegations in the remand and complaint are based solely on a self-styled confession by the accused, which is inadmissible in evidence. Both the petitioner and the deceased Roja were married and involved in an extramarital relationship. As per the prosecution, the deceased ended her life after the petitioner allegedly threatened to disclose the affair to her husband. Even assuming the prosecution's case to be true, no ingredients of abetment to suicide under Section 108 BNS are made out. A person taking such an extreme step due to

fear or emotional distress does not, by itself, constitute abetment. In similar circumstances, this Hon'ble Court has granted bail in Crl.P.No.9282/2023 and Crl.P.No.4759/2024. It is submitted that the petitioner is having movable and immovable properties in India and has his roots in India and as such, his abscondance to USA will not arise; the petitioner, a software professional with family responsibilities, undertakes to abide by all conditions imposed by this Hon'ble Court and to fully cooperate with the investigation.

5. On the other hand, Sri G. Neelothpal, learned Assistant Public Prosecutor for the Respondent-State, strongly opposed the grant of regular bail, citing the incomplete investigation.

6. I have heard both sides. Learned counsel on both sides reiterated their submissions, which are on par with the contentions presented in the petition and the report.

7. In ***Masroor V. State of U.P.***[1], a Division Bench of the Hon'ble Supreme Court observed as follows:

> *13. ... Though at the stage of granting bail, an elaborate examination of evidence and detailed reasons touching the merit of the case, which may prejudice the accused, should be avoided, but there is a need to indicate in such order reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence.*

8. The learned counsel for the petitioner argues that the ingredients of Section 108 of the BNS do not apply to the facts of this case. Furthermore, with the exception of Section 108 of the BNS, the other offences alleged carry a punishment of imprisonment of less than seven years.

9. To establish an offence under Section 108 of the BNS, the essential elements outlined in Section 45 of the BNS must be satisfied.

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[1] (2009) 14 SCC 286

10. The material on record indicates that both the petitioner and the deceased were married individuals, each with a spouse and children; the petitioner and the deceased developed an illegal intimate relationship, which involved physical contact; in furtherance of this relationship, the petitioner travelled from USA to India, specifically to Visakhapatnam, where he booked a room at the Meghalaya hotel; during this time, the deceased visited him; at one point, the deceased begged the petitioner to end their relationship, as he had threatened to leak intimate videos to her husband and in that process, the deceased committed suicide by handing to the bathroom shower.

11. At this juncture, it is pertinent to note that in the remand report, the investigation officer made a note that the deceased committed suicide due to her health problems or might have behind some other reasons in the death of the deceased. It is also referred that about twenty days back, the deceased came down to India for getting treatment.

12. The Hon'ble Supreme Court in ***Arnab Manoranjan Goswami V. State of Maharashtra***[2], held that;

> *"In cases of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. Before a person may be said to have abetted the commission of suicide, they must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide".*

13. At this stage, the allegations against the petitioner are subject to the trial's outcome. The trial is anticipated to take a considerable amount of time. Bail serves the purpose of allowing an accused to remain free until his guilt or innocence is determined. It is settled law that mere apprehension that the Accused would tamper with the Prosecution evidence or intimidate the witnesses cannot be a ground to refuse bail unless the prosecution shows that the Accused tried for such tampering/intimidation.

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[2] (2021) 2 Supreme Court Cases 427

14. The petitioner's continued preventive custody cannot be based on an unsubstantiated suspicion that he might tamper with the evidence or influence witnesses. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Given the same, the petitioner's release would not hamper the investigation.

15. The material on record indicates that the crime was registered on 06.03.2025, and the petitioner has been in judicial custody since 10.03.2025. By this time, a significant portion of the investigation is likely to have been completed. Considering the nature of allegations and the length of the detention, this Court views that the detention of the petitioner is required for further investigation. Furthermore, the petitioner has a fixed place of residence, making it highly improbable that he would abscond if granted bail. No prior criminal record has been reported against the petitioner. The trial's commencement is uncertain as the investigation is incomplete, and there is no material that granting bail would hinder justice. Therefore, this Court finds no risk of the petitioner tampering with witnesses or hampering the investigation. However, in light of the nature of allegations, this Court will impose stringent conditions to ensure the petitioner's attendance during the investigation and trial.

16. For the reasons stated above, this Court views that bail can be granted to the petitioner/accused with the following conditions:

(i) Petitioner/accused shall be released on bail on executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for the like sum each to the satisfaction of IV Additional Chief Metropolitan Magistrate, Visakhapatnam.

(ii) On such release, petitioner / accused shall appear before the investigating officer concerned twice in a week i.e., every Sunday and Wednesday between 10.00 am and 01.00 pm, for a period of three (03) months.

(iii) The Petitioner/Accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Investigating or Police Officer and shall cooperate with the investigating agency.

(iv) The petitioner shall not leave the territory of India without the prior permission of the Court.

(v) The petitioner shall surrender passport before the investigating agency.

17. It is explicitly clarified that the observations made in this order are preliminary and pertain solely to the decision on the present application without indicating a stance on the case's merits. The Investigating Agency is free to investigate without being influenced by the observations in this order.

18. Accordingly, the Criminal Petition is ***allowed***.

Miscellaneous applications pending, if any, shall stand closed.

SD/- B.PRASAD RAO
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

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To,

1. The IV Additional Chief Metropolitan Magistrate, Visakhapatnam, Visakhapatnam District
2. The Superintendent, Central Prison, Visakhapatnam, Visakhapatnam District
3. The Station House Officer, III Town Police Station, Visakhapatnam, Visakhapatnam District
4. One CC to SRI. R SIVA SAI SWARUP Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
6. **One spare copy**

PSR

HIGH COURT

TMR,J

DATED:17/04/2025

BAIL ORDER

CRLP.No.3229 of 2025

ALLOWED

