

IN THE COURT OF SESSION, THALASSERY

Present: Sri. Vimal.J, Additional Sessions Judge-IV
(Sessions Judge in-charge).

Saturday, the 25th day of April, 2026/ 05th Vaisakha, 1948.

BA Nos. 444/2026 and 451/2026

(Crime No.202/2026 of Chakkarakkal Police Station)

BA No. 444/2026

Petitioner/Accused No.1:-

Dr. M.Kodanda Ram S/o. Muniyappa, Aged 53 years,
Residing at 'Saawan', Near Edesa Convent Hostel,
Edacherry Road, Pallikunnu.P.O, Kannur-4.

Respondents/Complainant:-

1. State through S.H.O. Chakkarakkal Police Station,
Rep. by Public Prosecutor, Thalassery.
2. State through S.H.O. Cyber Crime Police Station,
Rep. by Public Prosecutor, Thalassery.

BA No. 451/2026

Petitioner/Accused No.2:-

Dr. Sangeetha Nambiar, W/o. Sri.O.Gopinath,
Aged 56 years, working as Associate Professor,
Department of Oral Pathology at Kannur Dental College,
Anjarakkandy, Kannur, "Rangeeth", Pullambil Road,
Chirakkara, Thalassery, Kannur District-670104.

Respondent/Complainant:-

1. State through S.H.O. Chakkarakkal Police Station,
Rep. by Public Prosecutor, Thalassery.
2. State through S.H.O. Cyber Crime Police Station,
Rep. by Public Prosecutor, Thalassery.

Petitions under Section 482 of BNSS, 2023 for anticipatory bail.

These petitions coming on the 23rd day of April, 2026 for final hearing before me in the presence of S/Sri. M.Kishor Kumar and Mishab.C.K, Advocates for the Petitioner in BA.444/2026;

Sri. V.Jayakrishnan, Advocate for the Petitioner in BA.451/2026; Sri.K.Ajith Kumar, Public Prosecutor for the State/Respondents; S/Sri.M.Vinod Raghavan and Preethi.K.P, Advocates for the De facto complainant; and having stood over for consideration till this day, the Court passed the following:-

COMMON ORDER

BA.No.444/2026 is filed by the 1st accused and BA.No.451/2026 is filed by the 2nd accused in Crime No.202/2026 of Chakkarakkal Police Station under Section 482 of Bharathiya Nagrik Suraksha Sanhita. Since both these bail applications arise out of the same crime number, they are being considered together and disposed by virtue of this common order.

2. The petitioners are alleged to have committed the offences punishable under Sec.108 of BNS and Sec.3(1)(r) and Sec.3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case in brief is as follows:

The 1st accused Dr.M.Kodanda Ram was working as Head of Department of Dental Anatomy at Kannur Dental College. The 2nd accused Smt.Sangeetha Nambiar is working as Professor at Dental College, Anjarakkandy, Kannur. The deceased Nithin Raj was the first year student undergoing BDS Course at Dental College, Anjarakkandy. While so, on 10.04.2026, at about 13.38 hours, Nithin Raj committed suicide. He was immediately taken to the casualty of Kannur Medical College. However, he succumbed to the injuries on the same day. It is alleged that the deceased committed suicide on account of the constant mental harassment by the 1st accused. It is further alleged that the 1st accused humiliated Nithin Raj in front of his classmates, knowing fully well that he was a member of Scheduled Caste Community. It is alleged that the 1st accused intentionally insulted the

deceased with the intent to humiliate him, since he belongs to a member of Scheduled Caste community. It is also alleged that the 2nd accused has supported the acts of the 1st accused. Thus, the accused are alleged to have committed the aforesaid offences.

4. Submissions of the learned counsel for the 1st accused.

The learned counsel for the 1st accused would vehemently argue that he has been falsely implicated in the above case with ulterior motive. It is stated that even as per the prosecution case, the deceased had taken Rs.15,000/- as loan from an online Loan App. The members of the Insta loan App used to threaten and humiliate the deceased. Therefore, the deceased gave reference the number of one Dr.Latha who was another Professor of the said institution. It is contended that the employees of the Loan App were continuously sending abusive, rude and threatening messages to Dr.Latha and the Loan App employees informed Dr.Latha that Nithin Raj had supplied her number. Therefore, on the unfortunate day, as part of enquiring about the said aspect, Nithin Raj was summoned to the Principal's room. It is submitted that Nithin Raj committed suicide purely because Dr.Latha informed that she is going to file a Police complaint before the Cyber cell. It is vehemently argued that the deceased jumped from the upper floor and committed suicide soon after he came out of the Principal's room. He was deeply perturbed by the aforesaid incidents and therefore, he committed suicide. It is argued that the petitioner herein Dr.Ram has been falsely implicated in the above case since there were prior disputes between Dr.Ram and the deceased, since Dr.Ram tried to discipline the deceased student. It is contended that the petitioner was arrayed as an accused without any investigation. It is further contended that a media trial is being conducted daily and the media has characterized the 1st accused

already as a perpetrator of the offence. It is further contended that as the HOD of the Dental Anatomy Department, the petitioner may have been strict and harsh towards the students, but, there is absolutely no allegation that he has subjected to any of the students including the deceased to casteist slurs. Therefore, it is prayed that the petitioner may be released on anticipatory bail.

5. Submissions of the learned counsel for the 2nd accused

The learned counsel for the 2nd accused would argue that the 2nd accused has absolutely no role in any of the incidents as narrated by the prosecution. The 2nd accused never mentally humiliated the deceased, much less any of the students. It is contended that the entire allegations are imputed against the 1st accused. It is further contended that during the date of the incident, she was not even present in the College. It is stated that a written complaint was preferred by the father of the victim on 11.04.2026, in which he stated that accused Nos.1, 2 and one Kamal had mentally harassed his son. Based upon this information, the Police has jumped and made her as an accused without even verifying the veracity of the complaint. Subsequent to the filing of the aforesaid complaint, it is contended that an intense campaign was carried out against the petitioner through television channels and social media platforms, portraying her as an unscrupulous individual and virtually branding her as guilty of the alleged act. It is argued that the media trial, in effect, amounted to a parallel investigation and resulted in a public pronouncement of her guilt even before any lawful adjudication. It is further submitted that she was subjected to severe public humiliation and prejudice on account of such continuous media coverage. According to the petitioner, there is absolutely no prima facie material to connect her with the alleged offence. Therefore, it is prayed that she may be granted anticipatory bail.

6. Submissions of the prosecution.

The learned Public Prosecutor would vehemently oppose the grant of bail. The Public Prosecutor would argue that there are sufficient prima facie materials to indicate that the 1st accused has committed the offences as alleged. Therefore, it is argued that as per Section 18 A of the Act, the anticipatory bail application is not maintainable and the same is liable to be dismissed. The learned Public Prosecutor would highlight that the 1st accused had, in front of the entire classmates, humiliated the deceased by uttering following words: "There are many dogs in the class and you are the worst dog". It is further argued that the 1st accused is in the habit of insulting and humiliating students. It is further contended that various other students have also raised complaints against the A1 for being abusive. The learned Public Prosecutor would also place reliance upon the statement of one of the students named Archa.S, who is a classmate of the deceased to show that the 1st accused has called her a fatty girl and that after Nithin Raj's suicide, from casualty, the 1st accused told that he jumped, to gain sympathy. It is therefore contended that the series of acts committed by the 1st accused would show that he intended to humiliate the deceased only because he is a member of Scheduled Caste. It is further stated that the 2nd accused has also mentally harassed the deceased. Therefore, it is contended that there are sufficient prima facie materials against the 2nd accused. Therefore, the grant of anticipatory bail will prejudicially affect the smooth progress of the investigation.

7. Submissions of the counsel for the victim :

Notice has been served by the prosecution to the victim's father. The victim's father was personally present before the court. Adv.Vinod Raghavan has filed vakalath on behalf of Sri. Rajan, the father of the deceased. The learned counsel would argue that the victim died only

because of the mental harassment meted out by the 1st accused. It is argued that the 1st accused has intentionally humiliated Nithin Raj solely because he belongs to Scheduled Caste Community. It is further argued that while considering the bail application, this Court should also consider the bonafides of the 1st accused. The 1st accused has argued that he himself belongs to Bajethri caste. It is argued that, in fact, the 1st accused belongs to Bajethri Community and that community is an OBC Community. In Paragraph 13 of the bail application, the petitioner has falsely mentioned that Bajethri caste in Karnataka is a Scheduled Tribe Community and therefore, the 1st accused has tried to mislead the Court and this is one of the circumstances which should be taken into account while considering the bail applications. He would further argue that the statements of Nikhitha and Rakhi, the sisters of the deceased would prima facie show the involvement of the 1st accused in the commission of the offences. It is further argued that the 2nd accused is also having involvement in the commission of the above offences. Therefore, it is prayed that both the bail applications may be dismissed.

8. The following are the points which arise for consideration:-

1. *Whether Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 imposes an absolute bar on the grant of anticipatory bail in a case registered under the above said Act?*
2. *Whether the averments in the complaint and the statements of the witnesses would prima facie disclose the commission of an offence under Sec.3(1)(r) of the Act by the 1st Accused?*
3. *Whether the averments in the complaint and the statements of the witnesses would prima facie disclose*

the commission of an offence under Sec.3(1)(r) of the Act by the 2nd Accused?

4. *Whether the statements of the witnesses and the prosecution case records would prima facie show that the deceased committed suicide on account of the harassment meted out by the accused persons?*
5. *Whether the petitioners are entitled to get the relief of anticipatory bail?*
6. *Reliefs or order?*

9. **Point No.1:-** The learned Public Prosecutor has argued that as per Section 18A of the Act, this application for anticipatory bail is not maintainable. In ***Prathvi Raj Chauhan Vs. Union of India (2020 (4) SCC 427***), the three-judge Bench of the Hon'ble Supreme Court has categorically held that, if the allegations does not make out a prima facie case for the applicability of the provisions of the Act of 1989, then the bar created u/s.18 shall not apply. More recently, in ***Shajan Skaria vs. State of Kerala (2024 SCC Online 2249)***, the Hon'ble Supreme Court has elaborately considered the scope and purport of Sec.18A of the Act and the Court held that there is no absolute bar in granting anticipatory bail when there exists no prima faice materials showing the commission of the offence under the Act. The Hon'ble Supreme Court opined that the bar u/s.18A of the Act would apply only to those cases where prima faice material points towards the commission of the offence under the Act. In view of the above, the Court has to ascertain whether the complaint and statements of witnesses disclose prima facie case under the Act. Hence, this point is answered accordingly.

Whether there is any prima facie case to show that the accused No.1 committed the offence u/s.3(1) (r) of the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act

10. **Point No.2:-** The next question to be considered is whether there exists any prima facie material to show that accused No.1 has committed the offence punishable under Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, so as to attract the bar under Section 18A of the Act. The statements of witnesses in the case records reveals the following:

1. The 1st accused behaved in an extremely rough and humiliating manner towards all the students (*vide statements of Faris Rahman and Archa*).
2. That the 1st accused was very strict and in case text books are not brought inside the classroom he used to impose fine on the students. During the PTA Meeting, the 1st accused knocked one student Faris Rahman in front of others on his head.
3. He informed Faris Rahman's mother to have surveillance on him and verify with whom he spends time at night.
4. In the class room, the 1st accused has the habit of knocking the head of the students who does not answer his questions. (*vide statement of Faris Rehman*).
5. On 13.03.2026, the first incident happened between the 1st accused and Nithin Raj. Nithin Raj did not bring his parents to the PTA meeting. When the 1st accused enquired about the same, Nithin Raj informed him that his mother was not well. Thereupon, the 1st accused directed the class representative to bring the answer sheet of Nithin Raj. He asked another student to read aloud the answer sheet of Nithin Raj since the same was illegible. He said that the

answers written by Nithin Raj was wrong and the same has no reference to the questions. The 1st accused also said that what has been stated in the answer sheet is totally bullshit. This situation escalated further wherein the 1st accused virbally abused Nithin Raj. The 1st accused stated as follows: "There are many dogs in the class and you are the worst dog". Nithin Raj retorted as follow "I don't want to study in this fucking college". He go went of the class (*vide statements of Faris Rehman, sisters Nikhitha, Rakhi and father Rajan*).

6. The 1st accused also told during the course of the altercation on 13.03.2026, that how he got admission and that he looks like a transgender (*vide statements of sisters Nikhitha and Rakhi*).

11. The question to be considered is whether the aforesaid statements disclose the commission of an offence punishable under section 3(1)(r) of the Act. The section 3(1)(r) came for consideration before Hon'ble the Supreme Court in case of ***Shajan Skaria Vs. The State of Kerala & another [2024 INSC 625]*** wherein it was held as under:-

*"60. Thus, the dictum as laid aforesaid is that the offence under Section 3(1)(r) of the Act, 1989 is not established merely on the fact that the complainant is a member of a Scheduled Caste or a Scheduled Tribe, unless there is an intention to humiliate such a member for the reason that he belongs to such community. **In other words, it is not the purport of the Act, 1989 that every act of intentional insult or intimidation meted by a person who is not a member of a Scheduled Caste or***

Scheduled Tribe to a person who belongs to a Scheduled Caste or Scheduled Tribe would attract Section 3(1)(r) of the Act, 1989 merely because it is committed against a person who happens to be a member of a Scheduled Caste or Scheduled Tribe. On the contrary, Section 3(1)(r) of the Act, 1989 is attracted where the reason for the intentional insult or intimidation is that the person who is subjected to it belongs to a Scheduled Caste or Scheduled Tribe.

We say so because the object behind the enactment of the Act, 1989 was to provide stringent provisions for punishment of offences which are targeted towards persons belonging to the SC/ST communities for the reason of their caste status.

a. Meaning of the expression "intent to humiliate" appearing in Section 3(1)(r) of the Act, 1989

61. The words "with intent to humiliate" as they appear in the text of Section 3(1)(r) of the Act, 1989 are inextricably linked to the caste identity of the person who is subjected to intentional insult or intimidation. Not every intentional insult or intimidation of a member of a SC/ST community will result into a feeling of caste-based humiliation. It is only in those cases where the intentional insult or intimidation takes place either due to the prevailing practice of untouchability or to reinforce the historically entrenched ideas like the superiority of the "upper castes" over the "lower castes/untouchables", the notions of 'purity' and 'pollution', etc. that it could be said to be an

insult or intimidation of the type envisaged by the Act, 1989.

12. The Hon'ble Supreme Court in ***Shajan Skaria (supra)*** has categorically held that Section 3(1)(r) of the Act, 1989 is not attracted merely because the victim belongs to a Scheduled Caste or Scheduled Tribe. There must be a clear intention to humiliate the victim for the reason that he belongs to such caste or tribe. Mere intentional insult or intimidation, unconnected with caste identity, would not suffice. The Supreme Court has further held that the expression "intent to humiliate" is inextricably linked to caste identity and must reflect caste-based humiliation arising out of notions of untouchability or caste superiority. The learned counsel for the first accused would highlight the fact that various students themselves, in their youtube videos, had criticized the first accused's rough behaviour towards the students. The prosecution has recorded the statement of 3 classmates of Nithin Raj. I have perused the case diary and the witness statements. The statements of Faris Rehman, Archa and Shraddha Renjit reveal that the petitioner was generally harsh, strict and humiliating towards students in the class. It is specifically stated that he had the habit of knocking the heads of students who failed to answer questions in the class. He also regularly imposes fines on students for not bringing textbooks. He uses insulting language against students generally. Archa has stated that she herself was insulted by the 1st accused. The statement of Faris Rehman specifically reveals that the 1st accused had not used any casteist slur or abused the victim on the basis of caste. The incident dated 13.03.2026 shows that the altercation arose when the victim did not bring his parents for the PTA meeting and the 1st accused questioned him regarding the same. During the course of the quarrel, the 1st accused criticised the answer sheet of Nithin Raj. The first accused stated that the answers

were irrelevant and called him “the worst dog”, He questioned how he obtained admission. The Nithin Raj in turn, reacted angrily and stated as follow “I don’t want to study in this fucking college”. He left the class.

13. The statement of Rajan, father of the victim, recorded immediately after the incident, does not disclose any caste-based abuse or use of caste name. Likewise, the statements of the sisters of the victim, recorded on 13.04.2026 also does not reveal any specific allegation of caste insult. The materials presently available only indicate harsh, insulting and improper conduct on the part of the petitioner, but not caste-targeted humiliation. There is no whisper of a statement from any witness to the effect that the first accused used caste slurs or casteist remarks to attack the deceased. It is true that the accused used to ridicule all the students for variety of reasons such as not bringing textbooks and answering questions. The statements of the students themselves reveal that 1st accused did not specifically target the deceased, Nithin Raj. In fact, his behaviour was common to all students. Therefore, there is nothing on record to prima facie indicate that the verbal abuse by the first accused was motivated solely by the fact that the deceased belonged to a Scheduled Caste. There is absolutely no prima facie evidence to attract the offence under Section 3(1)(r) of the Act. Hence this point is answered accordingly.

14. **Point No.4**:- As far as Section 3(1)(r) of the Act is concerned, there are absolutely no allegations against the second accused. None of the witnesses has stated that A2 Sangeetha Nambiar has used any caste name or any slur against any of the students. The statement of the students further reveals that she takes classes in a gentle manner and she had never humiliated any of the students in any manner including Nithin Raj. The only averment in the complaint is that when the first accused Ram directed Nithin Raj to come to the staff room

wherein A1 directed him to also write the Dental Anatomy examination along with the first semester examination scheduled on March 11th. At that time A2 informed that it was possible for Nithin Raj to write that examination. A2 spoke in support of A1. I am at a loss to understand as to how asking a student to write an examination or stating that a student has the capability to write the Dental Anatomy paper would amount to caste abuse. The same is contrary to all canons of reasoning. The aforesaid by any stretch of imagination would not amount to caste abuse. The aforesaid will not attract the ingredients of even humiliation or abuse. Therefore, as rightly contended by the learned counsel for the second accused, she has been implicated merely because the Nithin Raj's father in the first complaint has stated that he suspects A2. For the aforesaid reasons, I am satisfied that absolutely no prima facie case is made against A2 for the offence under Section 3(1)(r) of the Act and she is entitled to bail.

15. **Point No.5:-** The next question to be considered is whether there is prima facie materials to indicate that Nithin Raj committed suicide on account of the harassment meted out by the 1st accused. The accused is also charged with the commission of an offence under Section 3(2)(v) of the Act. Section 3(2)(v) provides that when an accused person commits an offence under the Indian Penal Code punishable with imprisonment for a term of 10 years or more against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe, such person shall be punishable with imprisonment for life and with fine. Therefore, if the ingredients of Section 108 of the Bharatiya Nyaya Sanhita are established, the enhanced punishment contemplated under Section 3(2)(v) would apply. Hence, Section 3(2)(v) is essentially a provision relating to punishment and not one creating a distinct substantive offence.

16. However the question to be considered is whether the materials on record prima facie disclose the ingredients of Section 108 of the Bharatiya Nyaya Sanhita (corresponding to Section 306 of the Indian Penal Code). In the present case, it is alleged that the victim committed suicide on account of consistent threats and humiliation meted out by the first accused. Section 108 of the BNS (306 IPC) is alleged to have been committed by the first accused.

17. The learned counsel for the first accused would vehemently argue that even if the entire case records are accepted at face value there is absolutely nothing to show that the accused instigated or aided the commission of suicide by Nithin Raj. There is absolutely no averment in the complaint that the accused intended by his actions, to cause the death of Nithin Raj. The learned counsel for the petitioner would argue that Nithin Raj committed suicide because of the threats posed by the Loan App and not because of any harassment meted out by the petitioners.

18. The learned Public Prosecutor as well as the learned counsel for the victim have objected to the said contentions and stated that Nithin Raj committed suicide on account of the continuous harassment.

19. I have perused the case records. I have perused the statements of the classmates of Nithin Raj namely Faris Rehman and Archa. I have also perused the statements of Nikhitha and Rakhi, the sisters of the deceased.

20. The learned counsel for the accused would rely upon the decision rendered by the Hon'ble Supreme Court in ***Abhinav Mohan Delkar vs. The State of Maharashtra & Ors. (2025 INSC 990)*** to contend that only a proximate incident or act prior to the suicide can be held as the relevant aspect in finding the death to be a direct causation of the acts of the person accused of abetting the suicide.

21. At this stage this court will have to consider only if there are prima facie materials to conclude that the victim committed suicide on account of the harassment by the first accused. I have perused the entire case records as well as the statements of the witnesses. The statement of Bhagyasree, the Assistant Professor of the Department of Anatomy, and the statement of Vinod Mony, the current principal who joined the institution on 18.12.2025 are very important. The statements of these witnesses will reveal that Dr. Latha, Assistant Professor, was getting consistent threatening calls from one loan app. They spoke in an extremely abusive and rude manner to Assistant Professor Latha. The loan app persons sent a WhatsApp message to Dr. Latha stating that her reference number was given to the loan app by the deceased Nithin Raj. The prosecution itself in the case records admits that Nithin Raj had taken a loan of Rs.15,000/- from the loan app. On 10.04.2026, Dr. Latha, accompanied by Dr. Bhagyasree, went to the principal's room and informed him about the said incident. One Mr. Faisal was also present in the principal's room. Thereafter, Nithin Raj reached the principal's room and informed them that he had taken a loan of Rs.15,000/- for the treatment of his mother. The principal Sri.Vinod Mony called Nithin's father Rajan who informed that the loan was taken without the knowledge of the parents. The principal raised his voice and in a rough manner directed Nithin Raj to remove the reference number of Dr. Latha. The statement of Dr.Vinod Mony further shows that from the principal's room they telephoned the loan app. However, the persons at the loan app refused to remove Dr.Latha's reference number. The loan app persons as per the statements of Vinod Mony verbally abused Nithin Raj and they directed Nithin Raj to quickly send Rs.10,000/-.

22. Finding that there was no option to remove Latha's number from the loan app, Latha decided to give a cyber complaint. This is

evident from the statements of the Dr.Bhagyasree and the Principal. Dr. Bhagyasree further stated that Dr. Latha informed Nithin Raj that she was sorry, as there was no option to remove the reference number, and that she was constrained to lodge a cyber complaint. Nithin Raj thereafter exited the principal's room and committed suicide. With regard to the cyber complaint the remand report produced by the petitioners themselves shows that the loan app operators were arrested subsequently.

23. From the above prosecution records itself, it is prima facie discernible that Nithin Raj committed suicide on account of the fact that he was called into the principal's room and interrogated by his teachers. He was in deep distress on account of the said interrogation and the fact that the cyber police were going to register a complaint against himself.

24. The learned Public Prosecutor, relying upon the CCTV visuals, would contend that the Principal's room is situated beyond the staff room, and therefore, any person intending to enter the Principal's room must first pass through the staff room. It is submitted that at about 12.10 p.m., two teachers, namely Latha and Bhagyasree, entered the staff room. At 12.39 p.m., Nithin Raj entered the Principal's room, where he remained till 12.55 p.m. along with the Principal, the Vice Principal, and two teachers. Thereafter, at 12.59 p.m., he briefly went out to collect his phone and returned to the Principal's room at 1.09 p.m. At 1.22 p.m., he came out from the Principal's room to the staff room, and at 1.28 p.m., he left the staff room. The suicide occurred at about 1.38 p.m. It is further submitted that at about 12.35 p.m., the first accused entered the staff room and attempted to open the Principal's room. It is also alleged that from 12.58 p.m. onwards, the first accused was conversing with Latha and remained in the staff

room along with other teachers till 1.28 p.m. Based on these circumstances, the learned Public Prosecutor would argue that the first accused instigated Latha to lodge a complaint against Nithin Raj, and that such instigation ultimately drove him to commit suicide.

25. The question whether the deceased was driven to commit suicide on account of any threat, intimidation, or harassment is a matter to be ascertained during the course of investigation. Several other surrounding circumstances also require thorough examination. The case diary and the statements collected during investigation reveal various relevant aspects.

26. Principal Dr.Vijay Slyvester had given a statement to the effect that there was an earlier complaint against the deceased alleging that he had used a sound modulation application and cheated one Faayiz. The said Faayiz had lodged a complaint before the Chakkarakkal Police Station. He has stated that, in November 2025, certain outsiders had come to assault Nithin Raj. It is further revealed that a complaint had been lodged against Nithin Raj before the Chakkarakkal Police Station by one Faayiz who had come to assault him. Subsequently, the matter was settled at the intervention of the college authority and parents of Nithin Raj. The statement of Nikitha, the sister of the deceased, also admitted that there was a dispute between Nithin Raj and one Faayiz in connection with the Free Fire game. However, the said complaint was later withdrawn by Faayiz.

27. These are matters that can only be properly ascertained during investigation and not at this premature stage. I am of the view that, custodial interrogation of the accused is necessary to enable the investigating agency to conduct a proper and comprehensive investigation into all relevant circumstances. The entire matter has to be properly investigated by the investigating team in a fair and free

manner. Therefore, I am of the view that the custodial interrogation of the first accused is necessary for the smooth progress of the investigation. The contention of the learned counsel for the first accused that he has been falsely implicated with ulterior motive cannot be considered at this stage. He was very much present in the vicinity of the Principal's room at the relevant time. Therefore, questioning the first accused is absolutely necessary for the effective progress of the investigation. Therefore, the anticipatory bail application of the 1st accused is liable to be dismissed.

28. However, there appears to be some substance in the contention that there has been excessive media trial in this case. The Full Bench of the Hon'ble High Court of Kerala in ***Dejo Kappen v. Deccan Herald 2024(7) KHC 137*** held that, in the conduct of reporting facts related to criminal investigations or cases pending adjudication before various adjudicative forums, the right of the media to freedom of speech and expression is delimited by its obligation to defer to the principle of separation of powers. The Court specifically stated that the rule of law mandates that the final and authoritative determination of guilt or innocence can be pronounced only by a judicial authority. Therefore, any definitive expression of opinion by the media regarding the guilt or innocence of a party to a criminal investigation, or a case pending adjudication, would not be entitled to protection under Article 19(1)(a) of the Constitution. The media cannot prejudge a person as guilty. It was observed as follows:-

There is no doubt that the media, being the fourth pillar of democracy, has a right, duty, and discretion to cover the news relating to the investigation of crime and events that are happening in courts and disseminate that same to their audience in accordance with constitutional principles of freedom of speech and expression. But in the grab of the

right to free speech and expression, the media cannot be permitted to take upon themselves the role of the investigating agencies, prosecutors, and adjudicators in pronouncing persons guilty or innocent, even before the lawful investigation is completed by the investigating agencies. Media personnel could be justified as long as they act just like a catalyst and do not overstep into the domain of the judiciary or investigating agency by creating a widespread perception of guilt or innocence of the suspect before the trial. Such media trials, which exceed the limits of ethical caution and fair comment and project the suspect or accused as guilty or innocent even before the court delivers a verdict, amount to a gross violation of the right of the accused, victim, and witnesses to a fair trial guaranteed under Articles 14 and 21 of the Constitution.

29. The Full Bench further lamented that the media has habitually overlooked the legal presumption of innocence until proven guilty, by indulging in media trials or parallel investigations, thereby negatively impacting the fair trial. The media is reminded that it is bound by the declaration of law laid down by the Hon'ble Full Bench, and that it cannot express any definitive opinion regarding the guilt or innocence of a party. The media is required to conduct fair and measured reporting in terms of the decision of the Full Bench.

30. **Point No.6:-** In view of the above discussion, the bail application filed by the first accused is liable to be dismissed. The bail application filed by the second accused is allowed.

In the result, BA.No.444/2026 filed by the 1st accused is dismissed. The BA.No.451/2026 filed by the 2nd accused is allowed on the following conditions.

1. *In the event of arrest of the second accused she shall be released on bail on executing a bond of Rs.50,000/- with two solvent sureties each.*
2. *The 2nd Accused/petitioner shall co-operate with the investigation and appear before the Investigating Officer on every Saturday for a period of 3 months between 9.a.m. and 1 p.m.or until the final report is filed.*
3. *The 2nd Accused/petitioner shall not intimidate or influence the witnesses or interfere with the investigation.*
4. *The 2nd Accused/petitioner shall not involve in any other crime during the bail period.*

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court this the 25th day of April, 2026).

Sd/-
SESSIONS JUDGE
(In-charge)

Copy to:-

1. The SHO, Chakkarakkal Police Station.
2. The Petitioner in BA.444/2026.
3. The Petitioner in BA.451/2026.
4. The De facto complainant.