



**IN THE COURT OF THE SPECIAL JUDGE FOR THE TRIAL OF
OFFENCES UNDER ACT 33 OF 1989 AT THALASSERY**

Present: Sri. Manoj M, Special Judge/Sessions Judge.

Wednesday, the 09th day of September, 2026/18th Bhadra, 1948.

Crl.M.P.No.6/2026

(Crime No.1081/2026 of Crime Branch, Kannur)

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-670004.

Respondents/Complainant:-

1. State: through S.H.O. Chakkarakkal Police Station,
Rep. by Public Prosecutor, Thalassery.
2. State: SHO, Cyber Cell, Kannur,
Rep. by Pubic Prosecutor, Thalassery.
3. State: Crime Branch, Kannur,
Rep. by Public Prosecutor Thalassery.
4. Rajan.V.N, S/o. Yovan, Aged 54 years,
Chalakkad, Thadatharikathu veedu,
Puthukulangara.P.O, Nedumangad,
Thiruvananthapuram-695541.

Petition under Section 483 of BNSS, 2023 for bail.

This petition coming on the 7th day of September, 2026 for final hearing before me in the presence of S/Smt. M.Kishor Kumar and Aruna.B.M, Advocates for the petitioner/accused; Sri.K.Ajith Kumar, Public Prosecutor for the State/respondent Nos.1 to 3; Sri. A.S.Madhu sudanan, Advocate for the respondent No.4/informant; and having stood over for consideration till this day, the Court passed the following:-

ORDER

This is an application for regular bail filed under Section 483 of BNSS by the petitioner, the accused No.1 in Crime No. 1081/2026 of

Kannur Crime Branch registered for the alleged commission of offences punishable under Section 108 of BNS and Section 3(1)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The prosecution case, in brief, is as follows: The petitioner, first accused, is working as Head of Department of Dental Anatomy in Kannur Dental College, Anjarakkandy, the second accused is working as Professor at the said Dental College, and third accused was a staff of the said College. Nithin Raj, the deceased in this case, a member of Hindu Cheramman Community, a Scheduled Caste, was a student for BDS in the said Dental College. It is alleged that the accused persons who are not members of the Scheduled Caste Community constantly harassed, humiliated and insulted Nithin Raj, the deceased in public and threatened him and also insulted him on account of his Scheduled Caste status causing severe mental stress and strain to him, as a result of which, on 10.04.2026 at 13:38 hours he committed suicide by jumping down from the second floor of the building situated in the Campus of the Dental College. The accused persons have thus abetted the suicide of Nithin Raj by constantly harassing him and humiliating and insulting him in public view. Thus, the accused committed the above said offences.

3. The anticipatory bail application filed by the petitioner/accused no. 1 was dismissed by this Court, the appeal filed against such dismissal, was dismissed by the Hon'ble High Court and the Hon'ble Supreme Court also refused to grant relief to the petitioner, first accused. Though the petitioner, the first accused was arrested and produced before the Court, as his arrest was not following the mandatory guidelines issued by the Hon'ble Supreme Court, he was released. Thereafter, with permission of Court, the accused was re-arrested by the Police on 23.07.2026 and ever since that, he is in judicial custody.

4. The counsel for the petitioner contended that the petitioner, first accused, is innocent in this case. The petitioner was working in the Medical College since June 2009 and he has supervised around 16 to 17 Batches of 100 students each. The petitioner has dealt with all students all along without any complaint in the past. As the Head of the Department, the intention of the petitioner is to safeguard the welfare and merit of the students. The victim Nithin Raj was weak in studies and a Tutor by name Dr. Shoma was delegated to give special attention to the victim. The petitioner and the whole Department have no criminal intent in the unfortunate suicide of the victim. There was a complaint filed against the victim by one Fayis of Palghat addressed to the Chakkarakkal Police Station alleging that the victim Nithin Raj had made monetary demand by utilizing the naked photographs of Fayis. The said photographs were obtained from Fayis by the deceased by misleading him and talking in a girl's voice by utilizing a voice changing App. After the said complaint, the father of the victim, Rajan, approached the Principal of the College and made a request by a letter dated 27.11.2025 that he will give Nithin Raj Psychiatric Counselling to mend his character. The letter written by the father of the victim to the College authorities is seized by the Police. Moreover, the victim also availed some loan from Private Institution and for reference, the victim gave the number of Assistant Professor Latha Sasidharan. The victim's mother's name was also Latha. For the past many days, including 09.04.2026 and 10.04.2026, before the unfortunate suicide of the victim, the private money lending institution was calling and disturbing the Assistant Professor, Latha Sasidharan, by requesting her to inform the victim to make loan repayment. Latha Sasidharan filed a complaint before the Cyber Police Station and Cyber Police registered Crime 13/2026. The money transaction and threat by the money lending firm's staff illustrates that the victim was under constant threat of moneylenders immediately prior to the date of commission of suicide. It is

evidenced by the remand report filed by the police in Crime No. 217/2026. On 10.04.2026, the victim was summoned to the Principal Vinod Mony's Cabin on account of the complaint given by Dr. Lathaa Sasidharan. The victim was in the cabin of Principal from 11:00 a.m. to 12:40 p.m. and was associated by Dr. Faizal and Dr. Naushad, the Vice Principal, in the cabin of the Principal. By 12:40 p.m., the Principal came out and the victim was directed to remain outside. Outside the Principal's Cabin, where all the staff was waiting, the Principal spoke harshly to the victim, and the victim thereafter went off and committed suicide immediately thereafter. It is understood that the Principal spoke with the financier to whom the victim gave Dr. Latha Sasidharan's number and the financier said that he will not stop calling Dr. Latha Sasidharan if the victim did not pay the loan. The CCTV footage in front of the Principal's Cabin on 10.04.2026 is produced by way of Pendrive along with the application. In the said visual, CCTV footage will reveal that the proximity of the incident is the last heated argument and seizure of the phone of the victim by the Principal. The petitioner last interacted with the victim on 13.03.2026 even as per the prosecution case and he had never interacted with the victim on 10.04.2026. The Mobile phone of the victim was subjected to examination by R. F. S.L. The said R.F.S.L report would show that the victim was indulging in some nefarious activities. The petitioner has no criminal background and he is in judicial custody for the last more than 45 days and his further detention is unwarranted. The police had obtained police custody and interrogated him.

5. The Investigating Officer filed report vehemently opposing the bail on the ground that the materials collected would reveal that the petitioner, first accused had insulted and humiliated the victim in public on account of his parents not appearing in the PTA Meeting and by making him read aloud his answer paper. The petitioner, first accused exhorted that the deceased had written bullshit in the answer paper and insulted

him. He also called the deceased stupid, idiot and abused him. The petitioner, first accused had made a comment, " there are so many dogs in the class but the deceased was the worst dog" and asked the deceased to get out. The petitioner, first accused had insulted the deceased on account of the fact that he was a member of the Scheduled Caste Community. Only due to the constant insult, intimidation and humiliation of the petitioner , first accused, the deceased committed suicide. Thus, the petitioner, first accused had abetted and instigated the deceased Nithin Raj to commit suicide by constant mental harassment. Bail is opposed on the ground that the accused had absconded during the investigation and only after the Hon'ble Supreme Court dismissed his application for bail, he could be arrested. If bail is granted, the accused may intimidate and influence witnesses, tamper with the evidence and abscond. Moreover, the accused has committed a grave and heinous crime and hence the bail application may be dismissed.

6. The learned Public Prosecutor vehemently opposed the bail application on the ground that the petitioner, first accused, had played an active part in instigating the victim Nithin Raj to commit suicide. The statements of the co-students of the victim revealed that the accused used to call the victim words like dog, fatty, blackie and insulted him by stating that he looked like a Transgender. On account of these humiliating and insulting comments, a severe mental stress was caused to the victim, which had driven him to commit suicide. Moreover, the accused was also aware of the Scheduled Caste status of the victim. The Public Prosecutor contended that the accused had absconded during a major part of the investigation and only after his application was rejected by the Hon'ble Supreme Court, he could be arrested. The nature of the accused suggests that he is a person who has scant regard for the law.

7. The father of the deceased Mr.Rajan, had entered appearance through Counsel and filed vehement objection contending that Nithin Raj

had secured admission in the said College on merit, for the BDS Course. Though he secured admission for Nursing Programme in the prestigious JIPMER University, he chose to continue for the BDS Course. The petitioner Dr. Ram was in the habit of incessantly harassing the deceased. The deceased was subjected to a hostile atmosphere in College and first accused used to address the deceased as 'slumdog'. The deceased had communicated with his father and relatives with acute agony the cruel treatment meted out to him by the petitioner, first accused. The petitioner, first accused was staying in a boarding at the Hostel where he could oversee the activities of the students including the deceased. During December 2025 and January 2026, the deceased could not attend the College due to the condition of his mother. When he returned to the College, the authorities including the petitioner did not give accommodation to the deceased in the hostel immediately. The deceased was made to stay in the sick room which was dusty and uninhabitable. He was made to clean the entire sick room by the authorities. This was done may be because of the caste of the deceased. In the Parent Teacher Association Meeting held on 24 and 27 of February 2026, the father of the victim could not attend because his mother was seriously ill. When the deceased explained the inability of his parents to attend the PTA Meeting, the petitioner, first accused publicly ridiculed him and suggested that it would be better that if the deceased donated his organ to his mother so that he also need not attend the College. The first accused further threatened that the deceased would not be granted proper marks in internal assessment. The petitioner accused no. 1 had not permitted the deceased to write the Anatomy exam. As a student who obtained seat on merit and admitted at a lesser fee in a Self-financing College, the first accused had some vested interest in not permitting the deceased to live in peace as long as he continued in the College. The deceased had revealed to his sisters that the petitioner used to remark that the deceased secured

seat in the College solely because of reservation policy and not due to his academic performance. The petitioner was fully aware that the deceased belonged to the Scheduled Caste and hence took pleasure in publicly humiliating him and degrading him in the presence of other students and staff. The petitioner was notorious among the students and he instilled a sense of fear among the students. The petitioner is trying to escape from the above charge by picturing that the deceased was a weak student without merit and blaming the deceased for the activities of the petitioner. The complaint filed by a student named Fayis against the deceased is being blown out of proportion by the petitioner. The deceased had played a prank on Fayis. The petitioner is trying to scuttle the investigation by transferring the blame on moneylenders and loan Apps. It is noteworthy that Professor Latha had lodged the complaint on 12.04.2026 after the death of Nithin Raj as an afterthought. The Loan App angle is insisted by the petitioner only to divert attention of the Court and escape from his role in the death of Nithin Raj. In fact, the deceased had spent the Easter holidays with his family and returned to College on 06.04.2026 in a jubilant mood. He contacted his family members on a regular basis till 10.04.2026 and during such chats, there was nothing untoward to suggest that the deceased was in a distressed or bad mood. On the date of death of the deceased, he was summoned to the Cabin of the Principal and had been subjected to constant interrogation by authorities. The petitioner, first accused had also some role. On that day, classes of the deceased were scheduled to begin at 01:00 p.m. but he was not permitted to attend the class. The CCTV footage will reveal that the deceased was in the Cabin of the Principal for long hours before his death. The investigation in this aspect and the role of the petitioner in all this is yet to be conducted by the Police. The investigation is going on in the above matter. The role of the other faculty members and the education and staff are to be unearthed.

8. The investigation is not conducted in a fair manner. The Hon'ble High Court of Kerala had expressed serious dissatisfaction in the manner in which investigation is progressing in the above case. The witnesses in this case are students of Educational Institution and the petitioner is a Senior Professor in the same Educational Institution. If the petitioner is granted bail, he will be in a position to influence the other students and witnesses. It is also revealed that the petitioner has some proprietary interest in the College. Hence, the action of the College Authorities dismissing the petitioner is a gimmick and College authorities are acting in concert with the petitioner. The faculty of the College are employing a differential approach in respect of the students who had deposed to the Police. The body of the deceased was originally found lying in a stone pavement and removed by some persons and moved to the hospital and it needs to be investigated and identity of all such persons and sequence of events have to be ascertained. Moreover, outpatient records of the Kannur Medical College contain references employing expressions threatened and under such circumstances, the person who furnished such details and the circumstances leading to furnishing of such details has to be ascertained. Since the role of the petitioner in death of Nithin Raj has not been completely unearthed, if he is enlarged on bail, it would be inappropriate and it would derail the investigation.

9. The counsel for the petitioner produced a plethora of decisions in support of his contentions and also filed CMP. 07/2026 to obtain the result of RFSL report after analysing the mobile phone of the victim. The said CMP 07/2026 seeking RFSL report of the analysis of mobile phone of the victim cannot be allowed at the stage of investigation and said petition is dismissed.

10. I have considered the contentions of the Counsel for the petitioner, the learned Public Prosecutor, the Counsel for the father of the victim/deceased and perused the report and case diary.

11. It needs to be noticed that an unfortunate event took place and a meritorious student belonging to the Scheduled Caste Community committed suicide in the campus of the Dental College. According to the prosecution, the deceased committed suicide on account of the constant harassment, humiliation, intimidation, and instigation made by the petitioner, first accused, who is the Head of the Department of Dental Anatomy against the victim. The father of the victim has also supported the contentions of the prosecution, albeit contending that the investigation has not proceeded on the correct line to collect more evidence against the petitioner, first accused.

12. The counsel for the petitioner, first accused contends that the petitioner is innocent and he is subjected to media trial and the victim had committed suicide not on account of any instigation or abetment on the part of the petitioner. The immediate trigger of the victim committing suicide was on account of the Principal warning him on account of taking a loan and giving the whereabouts and mobile phone number of one Professor Latha Sasidharan as an acquaintance and Latha Sasidharan was constantly harassed by the Call Center of the Loan App.

13. It needs to be noticed that the petitioner, first accused, was re-arrested on 23.07.2026 and he is in judicial custody for the last more than 45 days. During the investigation, the petitioner accused no. 1 was not arrested by following the guidelines passed by the Hon'ble Supreme Court and he was released. Thereafter, with permission, he was rearrested on 23.07.2026. The Hon'ble High Court had expressed dissatisfaction in the matter of investigation and consequently, the former Investigating Officer, DySP. Sudheer Kallan was suspended from service.

14. It is settled law that at the stage of consideration of bail application, elaborate analysis of the evidence is not required.

15. In **Manoj Kumar Khokhar v. State of Rajasthan and Anr.** reported in MANU/SC/0028/2022 : 2022:INSC:36 : (2022) 3 SCC 501, Her Ladyship B.V. Nagarathna, J, speaking for the Bench observed as under:

"37. Ultimately, the court considering an application for bail has to exercise discretion in a judicious manner and in accordance with the settled principles of law having regard to the crime alleged to be committed by the Accused on the one hand and ensuring purity of the trial of the case on the other.

38. Thus, while elaborate reasons may not be assigned for grant of bail or an extensive discussion of the merits of the case may not be undertaken by the court considering a bail application, an order dehors reasoning or bereft of the relevant reasons cannot result in grant of bail. In such a case the prosecution or the informant has a right to assail the order before a higher forum. As noted in Gurcharan Singh v. State (Delhi Admn.) [Gurcharan Singh v. State (Delhi Admn.), MANU/SC/0420/1978 : 1977:INSC:231 : (1978) 1 SCC 118 : 1978 SCC (Cri) 41 : 1978 Cri LJ 129], when bail has been granted to an Accused, the State may, if new circumstances have arisen following the grant of such bail, approach the High Court seeking cancellation of bail Under Section 439(2) Criminal Procedure Code. However, if no new circumstances have cropped up since the grant of bail, the State may prefer an appeal against the order granting bail, on the ground that the same is perverse or illegal or has been arrived at by ignoring material aspects which establish a prima facie case against the Accused."

(Emphasis supplied)

16. In **P. Chidambaram vs. Directorate of Enforcement** (04.12.2019 - SC) : MANU/SC/1670/2019 it was held as follows regarding the matters to be considered at the stage of bail .

“The jurisdiction to grant bail has to be exercised on the basis of the well-settled principles having regard to the facts and circumstances of each case. The following factors are to be taken into consideration while considering an application for bail: (i) the nature of accusation and the severity of the punishment in the case of conviction and the nature of materials relied upon by the prosecution; (ii) reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses; (iii) reasonable possibility of securing the presence of the Accused at the time of trial or the likelihood of his abscondence; (iv) character behaviour and standing of the Accused and the circumstances which are peculiar to the Accused; (v) larger interest of the public or the State and similar other considerations (vide Prahlad Singh Bhati v. NCT, Delhi and Anr. MANU/SC/0193/2001 : (2001) 4 SCC 280. There is no hard and fast Rule regarding grant or refusal to grant bail. Each case has to be considered on the facts and circumstances of each case and on its own merits. The discretion of the court has to be exercised judiciously and not in an arbitrary manner.”

17. In **George Kurian vs. State of Kerala and Ors.** (10.03.2023 - KERHC) : MANU/KE/0588/2023 it is held as follows;

Many other factors would govern grant of bail. The same can be summarised as under:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the offences;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being tampered with; and*
- (viii) danger, of course, of justice being thwarted by grant of bail.*
- (ix) danger of threats or influence on witnesses so that the witnesses could not depose the truth before the court;*

18. With these guidelines in mind, the question of bail is considered in this case.

19. In **Shajan Sakaria's case, 2024 KHC 6451** the Hon'ble Supreme Court has held that, to attract the offence under Section 3(1)(r) of SC/ST (POA) Act, the insult and humiliation in public view should be only on account of the caste identity of the victim.

“60. Thus, the dictum as laid aforesaid is that the offence under S.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 S.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, S.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.”

20. In this case, there is no material to show that the accused had called the victim by his caste name in public view though it is revealed that the accused had ridiculed and humiliated the victim in public view.

21. The ingredients of the offence of abetment of suicide, which is now Section 108 of BNS and 306 of IPC, is laid down in several Supreme Court decisions and it is worthwhile to consider the same.

*A Bench of three Hon'ble Judges in the case of **Pawan Kumar v. State of Himachal Pradesh**, MANU/SC/0535/2017 : 2017:INSC:415 : (2017) 7 SCC 780 after considering the provisions of Sections 107 and 306 of the Indian Penal Code, in paragraph 41, held thus:*

“41. Keeping in view the aforesaid legal position, we are required to address whether there has been abetment in

committing suicide. Be it clearly stated that mere allegation of harassment without any positive action in proximity to the time of occurrence on the part of the Accused that led a person to commit suicide, a conviction in terms of Section 306 Indian Penal Code is not sustainable. A casual remark that is likely to cause harassment in ordinary course of things will not come within the purview of instigation. A mere reprimand or a word in a fit of anger will not earn the status of abetment. There has to be positive action that creates a situation for the victim to put an end to life."

22. The essentials of Section 306 IPC were elucidated by the Supreme Court in **M.Mohan vs. State**, MANU/SC/0161/2011 : 2011:INSC:168 : AIR 2011 SC 1238, as under:

"44. This Court in Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi) [MANU/SC/1453/2009 : 2009:INSC:1040 : (2009) 16 SCC 605: (2010) 3 SCC (Cri) 367)] had an occasion to deal with this aspect of abetment. The Court dealt with the dictionary meaning of the word "instigation" and "goading". The Court opined that there should be intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidability pattern is different from the others. Each person has his own idea of selfesteem and selfrespect. Therefore, it is impossible to lay down any straitjacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.

45. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing.

Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained.

46. The intention of the legislature and the ratio of the cases decided by this Court are clear that in order to convict a person under Section 306 IPC there, has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and this act must have been intended to push the deceased into such a position that he/ she committed suicide."

23. In the case of **Jayedeeptsinh Pravinsinh Chavda and Others v. State of Gujarat** [2024 SCC OnLine SC 3679 : 2024 INSC 960], the Hon'ble Supreme Court has held that the element of mens rea cannot simply be presumed or inferred, instead it must be evident and explicitly discernible. Without this, the foundational requirement for establishing abetment under the law, that is deliberate and conspicuous intention to provoke or contribute to the act of suicide, would remain unfulfilled. It was stated as follows:

"18. For a conviction under S.306 of the IPC, it is a well - established legal principle that the presence of clear mens rea - the intention to abet the act - is essential. Mere harassment, by itself, is not sufficient to find an accused guilty of abetting suicide. The prosecution must demonstrate an active or direct action by the accused that led the deceased to take his / her own life. The element of mens rea cannot simply be presumed or inferred; it must be evident and explicitly discernible. Without this, the foundational requirement for establishing abetment under the law is not satisfied, underscoring the necessity of a deliberate and

conspicuous intent to provoke or contribute to the act of suicide."

24 . In the case of **Ramesh Kumar v. State of Chhattisgarh** [(2001) 9 SCC 618], The Hon'ble Supreme Court defined the word "instigate" as under :

"20. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act". To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation."

25. In the decision reported in **Sanju @ Sanjay Singh Sengar v. State of M.P.**, [2002 (5) SCC 371 : 2002 INSC 250], the Apex Court held as follows :

"Even if we accept the prosecution story that the appellant did tell the deceased 'to go and die', that itself does not constitute the ingredient of 'instigation'. The word 'instigate' denotes incitement or urging to do some drastic or unadvisable action or to stimulate or incite. Presence of mens rea, therefore, is the necessary concomitant of instigation. . It is common knowledge that the words uttered in a quarrel

or in a spur of the moment cannot be taken to be uttered with mens rea. It is in a fit of anger and emotional”.

26. It is settled law that merely because the accused had uttered words to go and die in a fit of anger or emotion without intending the consequences to follow, it cannot be said that the accused instigated the deceased to commit suicide.

27. After going through the catena of decisions, it reveals that the Court should adopt in these types of cases is to make an endeavour to ascertain on the basis of the materials on record whether there is anything to indicate even prima facie that the accused intended the consequences of the act, i.e., suicide. To attract the provisions what is to be shown is that the accused have actually instigated or aided in the victim's act of committing suicide. There must be direct or indirect incitement to the commission of suicide and the accused must be shown to have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide.

28. In this case, as per the report filed objecting bail, it is not revealed that the accused had actively instigated Nithin Raj to commit suicide. The allegations are to the effect that due to his constant harassment, humiliation and instigation in public view, the accused committed suicide. The intention of the accused is a mental element which is to be inferred from circumstances. The said matters are questions to be decided in trial.

29. As per the report filed by the Investigating Officer and the case diary, the further incarceration of the accused, who is in judicial custody for the last more than 45 days and whose police custody was also obtained, is not required for the purpose of investigation. The Hon'ble Supreme Court has held that bail is the rule and Jail is the exception. It is apposite to refer to the following decisions.

30. In the decision reported in **Jalaluddin Khan v. Union of India** [2024 KHC 6431], the Hon'ble Supreme Court observed that;

"When a case is made out for a grant of bail, the Courts should not have any hesitation in granting bail. The allegations of the prosecution may be very serious. But, the duty of the Courts is to consider the case for grant of bail in accordance with the law. "Bail is the rule and jail is an exception" is a settled law. Even in a case like the present case where there are stringent conditions for the grant of bail in the relevant statutes, the same rule holds good with only modification that the bail can be granted if the conditions in the statute are satisfied. The rule also means that once a case is made out for the grant of bail, the Court cannot decline to grant bail. If the Courts start denying bail in deserving cases, it will be a violation of the rights guaranteed under Article 21 of our Constitution".

31. In the decision reported in **Manish Sisodia v. Directorate of Enforcement** [2024 KHC 6426], the Hon'ble Supreme Court observed that;

"52. The Court also reproduced the observations made in Gudikanti Narasimhulu (supra), which read thus:

"10. In the aforesaid context, we may remind the trial courts and the High Courts of what came to be observed by this Court in Gudikanti Narasimhulu v. Public Prosecutor, High Court reported in 1978 (1) SCC 240. We quote:

"What is often forgotten, and therefore warrants reminder, is the object to keep a person in judicial custody pending trial or disposal of an appeal. Lord Russel, C.J., said [R v. Rose, 1898 (18) Cox]:

"I observe that in this case bail was refused for the prisoner. It cannot be too strongly impressed on the,

magistracy of the country that bail is not to be withheld as a punishment, but that the requirements as to bail are merely to secure the attendance of the prisoner at trial."

"53. The Court further observed that, over a period of time, the trial courts and the High Courts have forgotten a very well-settled principle of law that bail is not to be withheld as a punishment. From our experience, we can say that it appears that the trial courts and the High Courts attempt to play safe in matters of grant of bail. The principle that bail is a rule and refusal is an exception is, at times, followed in breach. On account of non-grant of bail even in straight forward open and shut cases, this Court is flooded with huge number of bail petitions thereby adding to the huge pendency. It is high time that the trial courts and the High Courts should recognize the principle that "bail is rule and jail is exception".

32. The contention of the learned Public Prosecutor and the counsel for the father of the Nithin Raj that the accused is a flight risk and he may intimidate and influence witnesses can be eliminated by imposing stringent conditions. In view of the judicial precedents discussed above, it is found that further detention of the accused, who is in judicial custody for the last more than 45 days, is not warranted for the purpose of investigation, and he can be granted bail as follows

In the result, the petition is allowed on the following conditions.

- i. The petitioner/accused No.1 shall be enlarged on bail on his executing bond for Rs.5,00,000/- (Rupees Five Lakh only) with two solvent sureties each for the like sum. One of the sureties shall be the near relatives of the petitioner like wife, parents, brothers, cousins, etc.

- ii. The petitioner shall appear before the Investigating Officer for the purpose of investigation/interrogation, on every Wednesday in between 9:00 AM and 10:00 AM for a period of six months or till filing of the final report, whichever is earlier.
- iii. The petitioner/accused No.1 shall not enter Kannur Dental College, Anjarakkandy or its premises or contact with any of the students of the said College till the conclusion of trial.
- iv. The petitioner/accused No.1 shall not intimidate or influence the witnesses or tamper with evidence.
- v. The petitioner/accused No.1 shall not involve in any other crime while on bail.
- vi. If any of the above conditions are violated by the petitioner misusing his liberty, the S.H.O., is directed to approach the jurisdictional court for cancellation of the bail .

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open Court, this the 9th day of September, 2026).

Sd/-

**SPECIAL JUDGE/
SESSIONS JUDGE**

Copy to:-

1. The Deputy Superintendent of Police-III, Crime Branch, Kannur.
2. The Petitioner.

Typed by : Manjush.C
Compared by : Jisha.K

Fair/Copy of Order in
Crl.M.P. No.6/2026 in
Cr.1081/CB/KNR&KSD/R/2026
Dated: 09.09.2026.