



**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

Monday, the 26th day of October, 2026/ 04th Karthika, 1948.

BA No.1025/2026

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

Petitioners/Accused Nos.4 & 5:-

1. Dr. Vinod Mony, S/o. Dr. G.Mony, aged 48 years,
'Manjusha', Plot No.11, Devi Nagar, Kalady,
Karamana P.O, Thiruvananthapuram District-695002.
(Now officiating as the Principal, Kannur Dental
College, Anjarakandy, Kannur District)
2. Dr. Latha Sasidharan, W/o. Anoop.K, Aged 50 years,
Thampan Nilayam, Kottila.P.O, Ezhome Village,
Ezhome (via), Kannur District-670334.
(Associate Professor, Kannur Dental College,
Anjarakandy, Kannur District)

Respondent/Complainant:-

State: The SHO, Crime Branch, Kannur,
Rep. by Public Prosecutor, Thalassery.

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

This petition coming on the 23rd day of October, 2026 for final hearing before me in the presence of Sri. Nicholas Joseph, Advocate for the petitioners; Sri.K.Ajith Kumar, Public Prosecutor for the State/respondent; Smt. Sujith.R.S, Advocate for the informant; and having stood over for consideration till this day, the Court passed the following:-

ORDER

This is an application for anticipatory bail filed under Section 482 of BNSS by the petitioners, the accused Nos.4 and 5 in Crime No.1081/2026 of Crime Branch, Kannur registered for the alleged commission of

offences punishable under Section 108 of BNS and Section 3(1)(r), 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The prosecution case, in brief, originally levelled against accused Nos. 1 to 3 is as follows:

The 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, third accused was a staff of the said College, the petitioner/fourth accused is the Principal, Kannur Dental College, Anjarakkandy and the petitioner/fifth accused is working as Associate Professor, Bio-chemistry, Kannur Medical 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.

3. Thereafter, the Investigating Officer filed a report incorporating the petitioners as accused Nos. 4 and 5 in this case. Allegations against the petitioners, accused nos. 4 and 5 are as follows:

Nithin Raj, the deceased in this case had taken an Online loan from a loan app based in Delhi and the second petitioner/fifth accused got repeated calls from the loan app since Nithin Raj failed to repay the amount. On 10.04.2026, the 5th accused complained about this fact to the petitioner, accused No. 4 and from 12:39 p.m. on that day till 13:27 p.m, Nithin Raj was called to the chamber of the 4th accused, the principal and questioned by accused Nos.4 and 5 as to whether he had given the name

of 5th accused as reference while he availed the loan from the online loan. But Nithin Raj denied the fact that he had given the name of A5. A5 threatened to slap hard on his chin and scolded him. The petitioner, accused no. 4 threatened Nithin Raj by stating that if he shows pranks like this, he would be expelled from his college. Due to the constant humiliation and questioning and the fact that the mobile phone of the deceased was seized by A4 in the Principal's room, Nithin Raj was left with no option and he committed suicide by jumping from the top of a building a short while after he left the room of the Principal. 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.

4. The submissions of the learned counsel for the petitioners: The petitioners are totally innocent. The first petitioner is the Principal of Kannur Dental College, Kannur and the 2nd petitioner is working as Associate Professor, Department of Bio-Chemistry, Kannur Dental College, Anjarakandy. On 10.4.2026 it was informed that one Nithin Raj, a 1st year student of BDS course, Kannur Dental College, Anjarakandy, Kannur, was found lying, seriously injured, on the floor near to the college building, reportedly as a result of fall from the top floor of the building and he was declared dead from the Kannur Medical College Hospital at 3.35 pm. The 1st petitioner, being the Principal, lodged a First Information Statement before the Chakkarakkal Police on the same day, based on which, the above crime was registered. Subsequently, it was alleged that certain members of the teaching faculty of the College, who are not members of the Scheduled Caste community, constantly harassed, humiliated and insulted Nithin Raj, who belonged to the Hindu-Cheramman Community, a Scheduled Caste, on account of his Scheduled Caste status, causing severe mental stress and strain to him, as a result of which, he committed suicide by jumping down from the second floor of the building situated in the

campus of the Dental College. The 1st accused is Dr. M.Kodanda Ram, HOD Department of Dental Anatomy, and the 2nd accused Professor Sangeetha Nambiar, another member of the teaching faculty supported the acts of the said Dr. Ram and based on such allegations, they were arrayed as accused Nos.1 and 2 in the above said crime. Hence offences punishable U/S.108 of BNS and U/S.3(1)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act added and investigation was proceeded accordingly. Later, the investigation was entrusted with the District Crime Branch, Kannur, who re-registered the case as Crime No.1081/2026 of Crime Branch, Kannur and investigation is now under the charge of a specially constituted team. The 1st accused Dr. M. Kondanda Ram was arrested by the Crime Branch and he was granted bail by this Court vide order dated 09.09.2026 in C.M.P.No.6/2026. Dr. Sangeetha Nambiar, who was arrayed as 2nd accused in the above crime was granted anticipatory bail by this Court vide order dated 25.04.2026 in B.A.No.451/2026. During the course of investigation, it was revealed that the deceased Nithin Raj availed some loan from a notorious Loan App and the mobile number of the 2nd petitioner herein, was given by Nithin Raj to the said Loan App for references. Since Nithin Raj defaulted the repayment of the loan amount, the financiers started to threaten Nithin Raj regularly and they even started to intimidate the 2nd petitioner as well by calling to her mobile phone using the phone number given by Nithin Raj for reference. Fed up with the repeated calls and threats on the part of the Loan App persons, the 2nd petitioner lodged a complaint before the Cyber Cell of Kerala Police and a crime was registered on the basis of that complaint and serious investigation is being conducted. After the death of Nithin Raj, the private financiers (Loan App) were also inculpated and they were arrested by the police in connection with the said transactions and the resultant suicide of Nithin Raj. The deceased Nithin Raj, while availing loan from the Loan App, gave the mobile number of the 2nd petitioner for

reference without the consent or information of the 2nd petitioner. Since the repayment of the loan amount was defaulted by Nithin Raj, the financiers threatened and insulted the 2nd petitioner by repeated phone calls, demanding the money. Then only the 2nd petitioner learned that Nithin Raj misused the name and mobile number of the 2nd petitioner in to the illegal transactions. Terribly shocked by the ugly and indecent threats on the part of the greedy Loan App persons through constant calls, the 2nd petitioner approached the Principal, the 1st petitioner and submitted her grievance. Being the Principal and Head of the Institution, the 1st petitioner was duty bound to seek explanation from the student, Nithin Raj and accordingly, he was directed to come to the Principal's office on the eventful day. The 2nd petitioner Dr. Latha Sasidharan, Dr. Noushad, Vice Principal and Dr. Faizal, Dean, Academics were also present at the Principal's office while Nithin Raj was heard. While enquired about the transactions, Nithin Raj apologized for misusing the name and mobile number of the 2nd petitioner without her knowledge and undertook that he would repay the loan without delay. Anyway within a short span of time, Nithin Raj met with the unfortunate death, for reasons best known to him alone. Being the complainant in Crime No.202/2026, the statement of the 1st petitioner was recorded by the local police and the Crime Branch investigation teams on different occasions and the entire incident happened on the fateful day were described to the investigating agency in detail. The 2nd petitioner and the other teachers who were present at the Principal's office at the relevant time were also questioned by the investigating agency on multiple occasions and they also informed the facts within their knowledge to the police. The screen shots with respect to the continuous calls and messages received by the 2nd petitioner were produced before the investigating agency and they seized the same during investigation. Prior to this incident, Nithin Raj was involved in some other controversies and one Fayis of Palakkad lodged a complaint against Nithin

Raj before the Chakkarakkal police alleging that Nithin Raj had made monetary demand by illegal means and black mailing. Nithin Raj was summoned by the police on the basis of that complaint and on his assurance that he would settle the issue amicably, further actions were not initiated by the police against him. Thereafter, Nithin Raj and his father approached the 1st petitioner and undertook that Nithin Raj would not indulge in such illegal acts and with the permission of the 1st petitioner, Nithin Raj was taken to his residence by his father for a short period. On 27.11.2025, his father submitted a request before the 1st petitioner stating that Nithin Raj would be subjected to a Psychiatric counseling for his mental perversions. At all those occasions, the 1st petitioner advised Nithin Raj with fatherly love and affection and consoled his father. It is to be noted that because of the controversies in which Nithin Raj was involved from the very beginning of the academic year, he was having less attendance and he secured low marks in the internal examinations. The investigation in the above case is at its final stage. During the course of investigation, the petitioners' statements were recorded by the investigating agency on multiple occasions. But now it is learned that the investigating agency is under pressure to incriminate the petitioners also in the above crime saying that Nithin Raj was in the Principal's office before the incident and hence the petitioners are also liable to be arrayed as accused. It is evident that the investigating agency is persuaded by the excessive media trial in the present case. In such circumstances petitioners are under apprehension that they will be inculcated and arrested in the above crime. No offence whatsoever under any Act has been made out against the petitioners in the investigation. There is nothing on record to suggest that the petitioners were having any conscious or deliberate intention to drive the victim to commit suicide. Being the Principal and teacher, petitioners cannot be expected to harass a first year student with the intention or knowledge to drive him to commit suicide.

The 1st petitioner was duty bound to enquire about the gross illegal act of dragging the name and reputation of a teacher by the student in an illegal transaction. So also the 2nd petitioner is fully justified in informing the matter to the Principal since she was so much harassed by the Loan App persons. The acts of the petitioners cannot be termed as criminal offences at any stretch of imagination. The petitioners were unaware of the fact that Nithin Raj belonged to a Scheduled Caste community till the death of Nithin Raj,. He got admission on merit. Moreover, the petitioners never discriminated students on account of their caste or creed. It cannot be assumed for a moment that the allegations in the above case do make out a prima facie case for the applicability of the provisions of the Act of 1989 as far as these petitioners are concerned. As such the bar U/S.18A of the Act is not applicable for this petition. There is nothing to show that the petitioners have committed the offence punishable u/s.108 of BNS. The petitioners apprehends arrest and torture by the respondent. They have no criminal antecedents. They are ready to abide by any condition imposed by the Court. Hence they pray for anticipatory bail.

5. Along with the petition, the counsel for the petitioners produced the photocopy of the letter/requests submitted by the deceased Nithin Raj, before the Principal, Kannur Dental College, Anjarakkandy dated 25.11.2025, photocopy of the letter submitted by the deceased Nithin Raj, before the Principal, Kannur Dental College, Anjarakkandy dated 25.11.2025, photocopy of the request letter submitted by Rajan, father of deceased Nithin Raj before the Principal, Kannur Dental College, Anjarakkandy dated 27.11.2025, photocopy of the letter submitted by Rajan, father of deceased Nithin Raj before the Principal, Kannur Dental College, Anjarakkandy dated 27.11.2025, photocopy of the letter submitted by Rajan YL, father of deceased Nithin Raj before the Principal, Kannur Dental College, Anjarakkandy dated 16.12.2025, photocopy of the letter submitted by the deceased Nithin Raj before the Principal, Kannur

Dental College, Anjarakkandy, dated 16.12.2025, photocopy of complaint filed by the 2nd petitioner before the Cyber Cell, Kerala Police dated 10.04.2026, photocopy of the Mark List of internal exam of deceased Nithin Raj and Screen shots of the SMS, Whatsapp messages and call details of the 2nd petitioner.

6. Notice was issued to the father of Nithin Raj and the father of deceased Mr. Rajan, appeared through Adv.Sujitha R.S and strongly opposed the bail application.

7. The submissions of the counsel for the father of the deceased are as follows: The petitioners have not made out any sufficient ground for granting them the extraordinary relief of anticipatory bail. The present case relates to the unfortunate death of Nithin Raj R.L., a first-year BDS student of Kannur Dental College, Anjarakkandy. The deceased Nithin Raj was an enthusiastic and determined student who spent three years preparing to crack Medical Entrance examinations, driven by his dream of becoming a medical practitioner and earning the title of 'Doctor'. In 2025, he successfully cleared the NEET entrance examination. Initially, he secured admission to a Government nursing seat at Palakkad. Subsequently, he upgraded to the Ayurveda medicine program and later, through further up gradation, gained admission to the BDS course at the present college, securing a Government seat. After joining the current course, he was also selected for a nursing program at the prestigious JIPMER University. However, he chose to continue with the present course, as he was determined to achieve his goal of earning the 'Doctor' title. He was also preparing for the upcoming NEET examination. He commenced the course in October 2025. The deceased belonged to a close-knit, lower-income Scheduled Caste family from Nedumangad, Thiruvananthapuram, comprising his parents and two married sisters. His father worked as a painter, while his graduate sisters were employed temporarily in banks

and financial institutions. The deceased joined the College with hopes and aspirations but was soon disheartened by the negative campus environment. Though minor instances of ragging by senior students did not affect him significantly, the alleged negative conduct of certain teachers had a profound impact on him. During the Freshers' Day self-introduction session, some peers and teachers allegedly reacted with disdain when the deceased mentioned that his father was a painter. He later befriended Fayeez, a non-student, while playing an online game. A prank played by the deceased led Fayeez to lodge a complaint, though the issue was subsequently settled amicably. Nevertheless, the College authorities took the matter seriously, summoned his parents from Thiruvananthapuram, and sent him home for a few weeks in November 2025. He returned to campus in January 2026. Apart from this online gaming incident, no other complaint or disciplinary issue had been reported against him. The deceased had intended to return to the campus in December 2025, but his mother's serious illness, diagnosed as tuberculosis, and the ensuing surgery and prolonged treatment delayed his return. He rejoined the College on 26 January 2026 to attend classes and appear for the examinations commencing on 27 January 2026. He returned to the campus that night accompanied by his brother-in-law, after informing the Principal (the first petitioner) of his intention to resume his studies. On reaching the campus hostel, the deceased was allegedly treated harshly by the Warden, who initially refused him entry until the Principal confirmed his return. He was made to wait for over an hour before being allotted the sick room, which was dusty, untidy and unfit for occupation. To his dismay, he found that his bed and personal belongings had been shifted from his allotted room to the sick room. Having no alternative, he was compelled to clean the room himself late at night. These incidents allegedly caused him considerable distress, and he was reduced to tears that night. Despite these difficulties, the deceased

continued his studies and appeared for the examinations. Although he failed in two or three theory papers, he demonstrated academic competence by securing 49.5 out of 50 marks in practical examinations and assignments and outperforming regular attendees in several subjects. He remained in regular contact with his family, sharing his difficulties, feelings of isolation and the hostile campus environment. According to his family, he increasingly felt that certain members of the teaching staff were singling him out. Professor Latha, who maintained an outwardly cordial relationship with the deceased and even utilized his assistance in preparing notes for circulation among the students, appears to have presented a very different facet of her conduct towards him. It was only when the family went through the additional report filed by the Police that they came to know of the manner in which she had allegedly dealt with the deceased. As recorded in the said report, Professor Latha is stated to have shouted at the deceased and threatened to slap him in connection with the loan-app issue. The manner in which the loan-app issue has subsequently been projected also assumes significance. The case put forward was that the Second Petitioner had been threatened by persons associated with the loan-app and that, on 5 April 2026, Professor Latha had spoken to those persons and obtained details concerning the family from them. This aspect was also canvassed when the said loan-app persons moved for bail. Significantly, they were ultimately enlarged on bail, inter alia, in circumstances where no material establishing the alleged threats attributed to them was found to exist. The subsequent projection of the loan-app episode, therefore, cannot be viewed in isolation. If Professor Latha herself had in fact been subjected to threats by the loan-app persons, as is sought to be projected, she would naturally have been expected to contact the family at some point between 5 April 2026, when she had interacted with the said persons and obtained their details, and the fateful day. The complete absence of any such communication during

this intervening period assumes considerable significance and casts serious doubt on the subsequent projection of the loan-app episode as the source of any genuine apprehension or threat. It is true that the deceased had availed a loan of Rs.15,000/-through a mobile loan application for meeting expenses connected with his mother's medical treatment, particularly scan expenses.. This fact was known to his family members and was never concealed by him. Any attempt to portray such borrowing as evidence of financial impropriety or as being connected with any unrelated allegation would therefore be wholly misleading and contrary to the true facts. The sisters of the deceased recall that, after receiving the loan amount, the deceased discussed with his sisters about using some of the money to buy the dental kit required for his studies. The loan was originally taken for his mother's medical treatment. However, his sisters told him that the family would take care of his mother's medical expenses and that he could use the loan amount to buy the dental kit. This clearly shows that the deceased was concerned about his studies and was making plans for his academic future. It also shows that the loan was taken only to meet his family and educational needs and was not treated by him as an unbearable financial burden. It is significant that on 05.04.2026, while the deceased was at home, the second petitioner contacted the Loan App representatives to ascertain the loan details and verify the particulars of the persons whose details had been furnished by the deceased. His family came to know of this communication only after the incident. Even if the second petitioner had any grievance regarding the Loan App issue, she could have informed the family, as the deceased was then staying at home. Instead, according to the family, she maintained cordial relations with him, encouraged him to rejoin the course and supported him academically. The subsequent events, particularly the Loan App complaint and the incident in the Principal's room on 10.04.2026, therefore, warrant careful investigation. The deceased was at home during the Easter holidays and

was preparing for the NEET examination as well as his internal examinations in the college. The deceased returned to the college on 06.04.2026 after the Easter holidays. According to his family, he was apprehensive that the petitioners might adversely affect his internal marks or attendance if it became known that he was preparing for NEET with a view to pursuing other academic opportunities. His internal examinations were scheduled on 06.04.2026, 08.04.2026 and 11.04.2026. On 09.04.2026, which was a holiday on account of the Legislative Assembly Elections, Nithin contacted his family through a video call at night. During the call, he interacted cheerfully with his family members, who had gathered to celebrate the birthday of his sister's child. He enquired about the gifts received by the child and requested his family to keep a piece of birthday cake for him so that he could have it when he returned home. Even after the video call, he continued to remain in touch that night with his family, making separate calls to his second sister and speaking to his father. The deceased regularly updated his sisters about his academic and personal life and maintained close communication with his family. On 10.04.2026, he contacted his second sister and requested money for lunch. She transferred ₹250/-, but he informed her that he needed only ₹220/-, and they exchanged the balance ₹30/- in a light-hearted manner. He reportedly had biriyani for lunch that day. These interactions shortly before the incident indicate that he was communicating normally with his family and attending to his immediate needs. The second petitioner submitted a complaint before the Cyber Cell, Kannur, on 10.04.2026. Based on the said complaint, Crime No.13/2026 was registered by the Cyber Police Station, Kannur, on 12.04.2026. A perusal of the FIR would reveal that the information furnished by the complainant, Prof. Latha, was received at 22:30 hours on 12.04.2026, whereas the FIR was registered only at 23:48 hours on the same day. Significantly, the date of occurrence of the alleged offence is shown in the FIR as 10.04.2026, i.e., the very date on which the

deceased met with his death. In the above circumstances, the alleged attempt on the part of the second petitioner to project a loan-app-related issue assumes significance only after the death of the deceased. The said contention, therefore, appears to be an afterthought, introduced subsequent to the death of the deceased on 10.04.2026. It is the specific case of the de facto complainant that, during the meeting in the Principal's room, Prof. Latha, the second petitioner herein, threatened the deceased that she would lodge a complaint against him in connection with the Loan App issue. This aspect also assumes significance in view of the specific version put forward by the first accused in B.A. No.444/2026 before this Hon'ble Court. According to the said version, the deceased was summoned to the Principal's room in connection with the Loan App issue and Dr. Latha informed him that she was going to lodge a complaint before the Cyber Cell. The Cyber Cell complaint relied upon by the second petitioner is dated 10.04.2026, the date of the incident. The timing and circumstances of the said complaint are therefore relevant matters for investigation. Moreover, a perusal of the FIR would reveal that the information statement furnished by Prof. Latha is worded in a manner that proceeds on the apparent premise that Nithin was alive at the time when the statement was given, notwithstanding the fact that his tragic death had occurred on 10.04.2026 itself. This aspect assumes considerable significance and raises serious questions regarding the circumstances in which the information statement came to be furnished and the manner in which the events were represented therein. The CCTV footage assumes particular significance in the present case. During the investigation, the investigating agency examined in detail the CCTV footage from the Principal's room, office room and other CCTV cameras installed in the college, together with the connected materials collected during the investigation. The CCTV footage shows that the deceased entered the Principal's room at approximately 12.39 p.m. on 10.04.2026. The footage

further shows that Prof. Latha and Ms. Bhagyasree had entered the Principal's room at around 12.10 p.m. The Vice-Principal and other members of the teaching staff were also present during the relevant period. The CCTV footage further shows that the deceased briefly exited the Principal's room at about 12.59 p.m. to collect his mobile phone and thereafter re-entered the room at approximately 1.09 p.m. He finally emerged from the Principal's room at around 1.22 p.m. The CCTV footage also shows Dr. Ram entering the staff room at approximately 12.35 p.m. and attempting to open the Principal's room. From about 12.58 p.m. onwards, Dr. Ram is seen conversing with Prof. Latha and other members of the teaching staff until approximately 1.28 p.m. The sequence of events reflected in the CCTV footage raises several questions regarding the interactions that took place immediately before the incident. The first petitioner, the Principal, in his First Information Statement, did not disclose the episode relating to the deceased being summoned to his room and questioned there. The reason for such omission requires investigation. It is further relevant that the mobile phone of the deceased was in the custody of the Principal and was subsequently handed over to the Police. The informant has a further case that during the meeting in the Principal's room, the fifth accused threatened the deceased that she would lodge a complaint against him in connection with the Loan App issue. It is further the specific case of the informant that the first petitioner herein shouted at the deceased and used words to the effect that he should get out from the college, that his conduct would not be tolerated there and that he would not be allowed to continue his studies in the college. The exact words used, the circumstances in which they were uttered and their effect on the deceased require proper investigation. Dr. Faisal was present at the relevant time and, according to the specific case of the de facto complainant, he also shouted at the deceased during the said interaction. The deceased had also complained to the de facto complainant about the

behavior of Dr. Faisal. His presence and conduct on the relevant date are therefore material circumstances requiring investigation. Dr.Faisal resigned from his service within a few days after the incident. The circumstances in which he resigned, the reason for his resignation, his conduct on the date of the incident and his subsequent communications, if any, with the petitioners or other members of the teaching staff require verification by the investigating agency. The incident took place at about 1.35 p.m. on 10.04.2026. However, the family members were not immediately informed by any officer or official of the college. At about 3.15 p.m., a student named Archa informed the sister of the deceased that Nithin had met with an accident and had fallen down from the college building. Immediately thereafter, the family members tried to contact the petitioners and other college officials through several phone numbers. However, they did not receive any proper information regarding the condition of Nithin or what had actually happened to him. Later, at about 5.30 p.m., the family members happened to see the news on television channel that Nithin had died. Even thereafter, the family continued to make attempts to contact the college authorities to ascertain the true facts. Finally, at about 6.00 p.m., the father of the deceased was able to contact the college office. The office thereafter forwarded the call to the Principal, the first petitioner herein. The first petitioner informed the father that Nithin had died and suddenly disconnected the call in the most insensitive manner. Thereafter, despite repeated attempts by the family members to contact the Principal and other college authorities, they could not contact with them or obtain any further information regarding the circumstances of the incident. The above circumstances clearly show that the family was not properly informed by the college authorities about the incident or the death of Nithin. The reason for the delay and the manner in which the information was communicated to the family require proper investigation.. When the petitioners were questioned regarding the delay

in informing the family, their explanation was that attempts had been made to contact the father but that the calls were not received. The correctness of the explanation given by the petitioners requires verification from the relevant call records and other electronic evidence. Nithin's parents had called him on his mobile phone at 1:03 p.m. on the fateful day and thereafter made further attempts to contact him between 1:30 p.m. and 1:40 p.m. By that time, however, the mobile phone had already been taken into the custody of the Principal. In these circumstances, the contention that the college authorities had no other contact numbers of Nithin's family members with which to communicate the tragic incident is wholly baseless. Prof. Latha was also in possession of the contact numbers of Nithin's sisters, which she had obtained from the loan-app persons on 05.04.2026. Thus, the assertion that the family could not have been contacted for want of their telephone numbers is wholly untenable. It needs to be noted that the mobile phone of the deceased was with the Principal at the relevant time. Therefore, even if the Principal was unable to contact the father, he could have obtained the contact numbers of the mother, sisters or other close family members from the mobile phone of the deceased, which was then in his possession. Moreover, the contact details of the parents and family members would also have been available in the college records. Therefore, there were sufficient means available to the college authorities to immediately inform the family about the incident. However, despite this, the family members had to make repeated attempts to contact the petitioners and the college authorities to know what had happened to Nithin. This circumstance requires proper investigation. The Principal, the first petitioner herein, has stated in his statement to the Police that "certain persons" had shifted Nithin, who was found lying in the stone-paved compound, to the hospital. The identity of those persons and the circumstances in which the deceased was shifted to the hospital require verification. It is also relevant that the Out-Patient records of

Kannur Medical College reportedly contain references employing expressions such as "threatened", the source of such information, the context in which the entry came to be made, the person who furnished the history to the medical authorities and the precise circumstances that prompted such recording are all matters that require careful examination by the investigating agency. These materials cannot be brushed aside as insignificant, particularly when allegations of intimidation, threats, humiliation, and harassment have consistently emerged from various sources. The petitioners were not initially arrayed as accused in the crime. However, during the course of investigation, the investigating agency examined in detail the CCTV footage from the Principal's room, office room and other CCTV cameras installed in the college, along with the connected materials collected during the investigation. On the basis of the materials so collected and verified, the investigating agency found specific materials regarding the involvement of the petitioners in the events preceding the death of the deceased. The report submitted by the investigating agency for adding the petitioners as Accused Nos.4 and 5 specifically refers to the CCTV footage and the materials collected during the investigation. According to the findings recorded in the said report, the deceased was called to the Principal's room at about 12.39 p.m. in connection with the Loan App issue. The deceased was continuously questioned in the Principal's room from about 12.39 p.m. to 1.27 p.m., and that he was humiliated in the presence of others. The report further reveals that the fifth accused threatened the deceased that a complaint would be lodged against him before the Police in connection with the non-payment of the loan amount and that the fourth accused shouted at and confronted the deceased. The report also refers to the allegation that the mobile phone of the deceased was forcibly retained in the Principal's room and that he was questioned for a considerable period. After the said interaction, the deceased came out of the office room wiping his eyes and that he was

under the fear that he would be expelled from the college. The investigating agency found materials indicating that the alleged threats, intimidation and humiliation in the presence of others had a role in the events leading to the deceased taking the extreme step. On the basis of these materials, the investigating agency submitted a report before the competent court for adding the petitioners as Accused Nos.4 and 5 and continued the investigation. Therefore, the contention of the petitioners that they have been implicated merely due to media pressure is not supported by the investigation records. Their addition as accused was made after examination of the CCTV footage and other connected materials and on the basis of specific findings recorded by the investigating agency. The matter is therefore not a case of their names being added merely on the basis of an allegation or media reports. On 23.09.2026, a report was submitted for adding the petitioners as Accused Nos.4 and 5. The subsequent addition of the petitioners on 23.09.2026, after examination of CCTV footage and other connected materials, itself shows that the investigation was continuing and that the role of the petitioners was still being examined. It needs to be noted that, the sister of the deceased sent a message through Instagram to the second petitioner enquiring about what had happened to Nithin. According to the information available to the de facto complainant, after seeing the said message, the second petitioner subsequently removed/deleted photographs and posts from her Instagram and other social-media accounts. The timing of such removal after receiving a message from the family regarding the incident is a circumstance requiring proper verification.. The investigating agency may therefore verify the relevant Instagram and other social-media accounts, including the messages, photographs, posts, activity records and available metadata, and ascertain what content was removed, when it was removed and the circumstances in which such removal took place. The first petitioner, who is presently the

Principal, had earlier served as the Academic Dean of PMS College of Dental Sciences and Research Centre, Vattappara, Thiruvananthapuram. During his tenure as Academic Dean, two students of the said institution, one a girl student of the 2015 batch and the other a boy student of the 2019 batch died by suicide. These incidents assume added significance in the present context, particularly as they are pointers to the aggravated and insensitive conduct of the teachers in Medical colleges which was also highlighted by the Hon'ble High Court of Kerala in its order dated 19.06.2026, while dismissing the Criminal Appeal 609/2026 .preferred by the first accused, Dr. Ram. The circumstances surrounding the deaths of the two students therefore warrant a proper and comprehensive investigation. These aspects cannot be brushed aside or treated as isolated incidents, particularly when examined in the context of the allegations presently under investigation. For this purpose, the custodial interrogation of the petitioners is necessary. The allegation in paragraph 7 of the petition, that Nithin's father had, by letter dated 27.11.2025, requested that the deceased be provided psychiatric counseling to treat his mental perversions following the incident involving Fayeess has to be viewed in its proper factual context. The said letter was not an independent expression of the father's concern arising from any continuing difficulty faced by the deceased, but was allegedly made under the influence and at the instance of the first petitioner and the first accused, Dr. Ram. It is the specific case of the complainant that the incident involving Fayeess was sought to be projected and relied upon by the said persons as an explanation for the deceased's emotional state, thereby diverting attention from the emotional pressure and distress allegedly caused to him by the conduct of the first petitioner and the first accused. Significantly, Fayeess himself had chosen to put the incident behind him and move forward in life, and there was no continuing grievance on his part in relation to the said incident. The circumstances in which the letter dated 27.11.2025 came to be given, the

persons who prompted or influenced the father to make such a request, and the subsequent manner in which the reference to Fayeys was used to explain the deceased's mental condition are therefore matters requiring careful investigation. These circumstances assume particular significance in determining whether the psychiatric-counseling narrative was genuinely intended for the welfare of the deceased or was subsequently sought to be projected as a convenient explanation for the emotional distress allegedly caused by the petitioners and the first accused. It needs to be noted that almost all the witnesses are from the campus. The petitioners, being senior members of the teaching and administrative staff, are in a position to influence students and other witnesses during the investigation and trial. The extent of the influence exercised by the faculty over the students was also evident from the manner in which the students reacted when Dr. Ram was brought to the campus by the Police in connection with the investigation. The manner in which some of the students appeared to express regret and sympathy towards him, notwithstanding the circumstances in which he was brought to the campus, is itself a circumstance that requires to be viewed in its proper perspective. It is submitted that institutional dependence may make students reluctant to speak openly about their grievances or about the conduct of the faculty. Therefore, the possibility of influence over witnesses cannot be ignored at this stage. The investigation requires examination of the students, teachers, staff members and other persons who were present or who have knowledge about the relevant events.. The possibility of influencing witnesses therefore cannot be ignored at this stage. The investigation requires examination of students, teachers, staff members and other persons who were present or who have knowledge regarding the relevant events. The petitioners contend that they have already been questioned several times and that no custodial interrogation is required. Mere questioning at an earlier stage does not mean that the investigation is

complete. Since the petitioners were subsequently added as accused on the basis of materials collected during investigation, the investigating agency must be given sufficient opportunity to examine their role and complete the investigation. The investigating agency needs to examine and, if necessary, confront the petitioners with the CCTV footage, the statements of persons present in the Principal's room, the Loan App materials, the Cyber Cell complaint, the mobile phone of the deceased, call detail records, WhatsApp records, social-media evidence and the circumstances relating to Dr. Faisal. The circumstances relating to the delay in informing the family, the explanation regarding the attempts to contact the father, the custody of the deceased's mobile phone, the subsequent removal of social-media material and the conduct of the petitioners after the incident also require proper examination. In the above circumstances, custodial interrogation of the petitioners assumes importance. The investigation has disclosed specific circumstances regarding their presence and conduct immediately before the death of the deceased, and the petitioners have subsequently been added as accused on the basis of CCTV footage and other connected materials.. The petitioners are in a position to influence the witnesses, particularly the students and staff of the college. Therefore, there is a possibility of the witnesses being influenced or their statements being affected. The circumstances revealed during the investigation also require further questioning of the petitioners. Granting them protection from arrest at this stage may affect the proper investigation of the case. Hence, the investigating agency should be given an opportunity to question the petitioners effectively in accordance with law. The informant has a serious apprehension that, if protected by anticipatory bail, the petitioners may influence witnesses, particularly students and members of the teaching staff, or otherwise affect the collection of evidence. Such apprehension is relevant considering their position and influence within the institution. In

the above circumstances, a proper and thorough investigation is necessary to find out the exact role of the petitioners and the circumstances leading to the death of Nithin Raj. The events that took place in the Principal's room, the medical records, the statements of the relevant witnesses and the CCTV and other electronic evidence require detailed examination. The investigation is still required to be completed in a fair and proper manner. At this stage, the petitioners have not shown any sufficient or exceptional ground for granting them anticipatory bail. Custodial interrogation of both the petitioners is absolutely necessary, particularly in view of their conduct in withholding and concealing material facts from the investigating authorities. The circumstances disclosed thus far indicate that crucial aspects of the incident have not been fully brought to light. Further, the precise role and involvement of the other persons who were present in the Principal's room, particularly that of Dr. Faisal, can be effectively ascertained only through custodial interrogation of the petitioners, which is essential for confronting them with the material facts and eliciting the complete sequence of events. Hence, the counsel prays for dismissal of the petition.

8. Along with the bail objection, the counsel has produced the copy of the judgment in CrI.Appeal No.609/2026 of Hon'ble High Court of Kerala, out-patient records of Kannur Medical College and copy of First Information Report in Crime No.13/2026 of Cyber Crime Police Station, Kannur.

9. The Investigating Officer filed report as follows: The CCTV footage from the cameras installed in the Principal's room and the office room of the Dental College, Anjarakkandy, was examined during the investigation. The investigation reveals that the 5th accused had received phone calls and messages from an online loan application service based in New Delhi, demanding repayment of the loan allegedly taken by the deceased, Nithin

Raj. In connection with the said issue, on 10.04.2026 at 12.39 p.m., pursuant to a complaint made by the 5th accused, the 4th accused summoned the deceased to his room. Inside the room, the petitioners, who are teacher and Principal of the College, allegedly threatened the deceased, knowing that he belonged to a Scheduled Caste, by stating that a complaint would be lodged against him with the police. The fifth accused also allegedly attempted to assault the deceased, uttering the words, “അടിച്ചു നിന്റെ കരണക്കുറ്റി പൊട്ടിക്കും”. The 4th accused allegedly shouted at the deceased, saying, "നീ ഇറങ്ങേണ്ട പുറത്ത്, നിന്റെ ഉടയിപ്പ് ഇവിടെ നടക്കുകയില്ല. നീ ഇനി ഈ കോളേജിൽ പഠിക്കില്ല. നീ ലോൺ തിരിച്ചടയ്ക്കേണ്ട" , and compelled him to hand over his mobile phone to the 4th accused. It is further reported that the petitioners continuously questioned the deceased from 12.39 p.m. to 1.27 p.m., subjected him to mental torture, and humiliated him in the presence of others. The deceased, Nidhin Raj, allegedly came out of the 4th accused's room wiping tears. It is further alleged that the threats and humiliation inflicted on him by accused Nos. 4 and 5 in the presence of others drove him to commit suicide. The bail application is opposed on the ground that the petitioners hold important positions in the College and, if released on bail, may intimidate or influence the witnesses, who are none other than their students and co-workers. It is further submitted that granting bail to the accused in a crime of such gravity would send a wrong message to society.

10. The learned Public Prosecutor vehemently opposed granting bail to the petitioners on the ground that the CCTV footage of the fateful day of 10.04.2026 clearly reveals the petitioners, 4th and 5th accused summoning Nithin Raj to the chamber of the Principal and shouting at him and threatening him; they also seized his mobile phone and threatened to expel him from his college. This continuous harassment, insults and questioning triggered the deceased to commit suicide as he was left with no other option because of the conduct of the petitioners, 4th and 5th

accused. In the said circumstances, it was contended that there is a prima case in favour of the petitioners 4th and 5th accused and this anticipatory bail application is not maintainable.

11. Heard the counsel for the petitioners, the informant and the learned Public Prosecutor and perused the records. It was conceded by the petitioners, the learned Public Prosecutor and the counsel for the relative of Nithin Raj that the court may view the CCTV footage. Accordingly the court has viewed the CCTV footage produced by the prosecution in a Pendrive.

12. The counsel for the petitioners relied on the decision of the Hon'ble Supreme Court in *Abhinav Mohan Delkar v. State of Maharashtra*, 2025 KHC 6701, which states that every allegation of harassment would not lead to a charge of abetment of suicide and that even if the words you go and kill yourself, are uttered, it would not establish the offence of abetment of suicide: The decision reported in 2026 KHC 6643 *Patel Joshnaben Pravinkumar Patel v. State of Gujarat*, which states that the act of lodging an F.I.R against a person would not amount to abetment of suicide.; The judgment of the Hon'ble High Court of Kerala in Criminal MC No. 5388 of 2019, wherein it was held that when a teacher enforces discipline on a student with bona fide intention, it has to be held that he has acted in good faith and no offence is made out; The decisions reported in 2025 KHC 1549, *Alavi v. State of Kerala*, 2026 KHC Online 6645, *Ramkrishna Chauhan v. State of UP* and decision reported in 2026 KHC Online 6350, *Gunjan alias Girija Kumari v. State (NCT of Delhi)* to buttress his argument that the incident which had taken place inside the 4 walls of a room in the Medial College cannot be said to be within public view and would not attract the provisions of Section 3(1)(r) of the SC/ST (Prevention of Atrocities) Act. It was contended that the ingredients of Section 108 of BNS, abetment of suicide are not attracted and hence Section 3(2)(v) of

SC/ST (Prevention of Atrocities) Act are also not attracted and there is no prima facie case made out against the petitioners and this Court has jurisdiction to entertain the application and the bar under Section 18 and 18A of the Act is not applicable in this case.

13. Per contra, the learned Public Prosecutor contended that the Court is only expected to consider the existence of a prima facie case by going through the allegations levelled against the petitioners, 4th and 5th accused, and it cannot critically evaluate the matters before it. According to the learned Public Prosecutor, the allegations would have to be taken on the face value.

14. The law on the point is discussed as follows.

6. S.18 of the Act, 1989 which makes the remedy of anticipatory bail unavailable in cases falling under the Act, 1989 reads thus:

"18. S.438 of the Code not to apply to persons committing an offence under the Act. -

Nothing in S.438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act. "

15. Hon'ble Supreme Court of India in **Shajan Skariya's case** (2024 KHC 6451) elaborately discussed the law on the point with respect to Section 18 and 18A of the Act, wherein the bar is created for entertaining an application for anticipatory bail in cases wherein the offences under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is alleged and crystallized the law as follows: The ingredients of Section 3(1) (r) are also considered in that judgment. It is worthwhile to take note of the dictum.

33. In such circumstances, this Court observed that the examination of the Constitutional validity of S.18A brought by way of the amendment had been rendered academic. However, the Bench proceeded to look into the matter. Justice Arun Mishra, speaking for himself and Justice Vineet Saran held as under:

"10. S.18A(i) was inserted owing to the decision of this Court in *Subhash Kashinath* (*Subhash Kashinath Mahajan v. State of Maharashtra*, 2018 (6) SCC 454 : 2018 (3) SCC (Cri) 124), which made it necessary to obtain the approval of the appointing authority concerning a public servant and the SSP in the case of arrest of accused persons. This Court has also recalled that direction on Review Petition (Crl.) No. 228 of 2018 decided on 1-10-2019 (*Union of India v. State of Maharashtra*, 2020 (4) SCC 761). Thus, the provisions which have been made in S.18 - A are rendered of academic use as they were enacted to take care of mandate issued in *Subhash Kashinath* (*Subhash Kashinath Mahajan v. State of Maharashtra*, (2018) 6 SCC 454 : 2018 (3) SCC (Cri) 124) which no more prevails. The provisions were already in S.18 of the Act with respect to anticipatory bail.

11. Concerning the applicability of provisions of S.438 CrPC, it shall not apply to the cases under the 1989 Act. However, if the complaint does not make out a *prima facie* case for applicability of the provisions of the 1989 Act, the bar created by S.18 and S.18A(i) shall not apply. We have clarified this aspect while deciding the review petitions.

34. Justice S. Ravindra Bhat, while concurring with the judgment rendered by Justice Mishra, assigned his own reasons which are reproduced herein below:

"32. As far as the provision of S.18A and anticipatory bail is concerned, the judgment of Mishra, J. has stated that in cases where no prima facie materials exist warranting arrest in a complaint, the court has the inherent power to direct a pre - arrest bail.

33. I would only add a caveat with the observation and emphasise that while considering any application seeking pre - arrest bail, the High Court has to balance the two interests : i.e. that the power is not so used as to convert the jurisdiction into that under S.438 of the Criminal Procedure Code, but that it is used sparingly and such orders made in very exceptional cases where no prima facie offence is made out as shown in the FIR, and further also that if such orders are not made in those classes of cases, the result would inevitably be a miscarriage of justice or abuse of process of law. I consider such stringent terms, otherwise contrary to the philosophy of bail, absolutely essential, because a liberal use of the power to grant pre - arrest bail would defeat the intention of Parliament."

35. Thus, the decision in Prathvi Raj Chauhan (supra) makes it abundantly clear that even while upholding the validity of S.18A of the Act, 1989, this Court observed that if the complaint does not make out a prima facie case for applicability of the provisions of the Act, 1989 then the bar created by S.18 and S.18A(i) shall not apply and thus the

court would not be precluded from granting pre - arrest bail to the accused persons.

36. Justice Ravindra Bhat, in his concurring judgment, observed that while considering any application seeking pre - arrest bail in connection with an offence alleged to have been committed under the provisions of the Act, 1989, the courts should balance two interests - On one hand they should ensure that the power is not exercised akin to the jurisdiction under S.438 of the CrPC while on the other hand they should ensure that the power is used sparingly in exceptional cases where no prima facie offence is made out as shown in the FIR or the complaint. It was observed that in cases where no prima facie materials exist in a complaint which would warrant the arrest of the accused, the court would have the inherent power to direct a pre - arrest bail.

37. The applicability of S.438 of the CrPC to cases registered under the Act, 1989 was also dealt with by a two - Judge Bench of this Court in *Vilas Pandurang Pawar and Another v. State of Maharashtra and Others* reported in 2012 (8) SCC 795. The specific issue framed and answered by this Court was whether an accused charged with various offences under the IPC along with offences under the Act, 1989 would be entitled for an anticipatory bail under S.438 of CrPC.

It was observed by the apex Court that although S.18 of the Act, 1989 creates a bar for invoking S.438 of the CrPC yet the courts are entrusted with a duty to verify the averments in the complaint and to find out whether an offence under the Act, 1989 is prima facie made out or not. It was further observed that while considering the application for

anticipatory bail, the scope for appreciation of evidence and other material is limited and the courts are not expected to undertake an intricate evidentiary inquiry of the materials on record. The relevant observations are reproduced hereinbelow:

"9. S.18 of the SC / ST Act creates a bar for invoking S.438 of the Code. However, a duty is cast on the court to verify the averments in the complaint and to find out whether an offence under S.3(1) of the SC / ST Act has been prima facie made out. In other words, if there is a specific averment in the complaint, namely, insult or intimidation with intent to humiliate by calling with caste name, the accused persons are not entitled to anticipatory bail.

10. The scope of S.18 of the SC / ST Act read with S.438 of the Code is such that it creates a specific bar in the grant of anticipatory bail. When an offence is registered against a person under the provisions of the SC / ST Act, no Court shall entertain application for anticipatory bail, unless it prima facie finds that such an offence is not made out. Moreover, while considering the application for bail, scope for appreciation of evidence and other material on record is limited. Court is not expected to indulge in critical analysis of the evidence on record. When a provision has been enacted in the Special Act to protect the persons who belong to the Scheduled Castes and the Scheduled Tribes and a bar has been imposed in granting bail under S.438 of the Code, the provision in the Special Act cannot be easily brushed aside by elaborate discussion on the evidence."

(Emphasis supplied).

16. In **Shajan Skaria** (2024 KHC 6451) it was held as follows regarding the matters to be considered whether a prima facie case is made out or not and ingredients of Sec.3(1)(r) are made out or not.

47. iii. *When can it be said that a prima facie case is made out in a given FIR / complaint?*

Prima facie is a Latin term that translates to "at first sight" or "based on first impression". The expression "where no prima facie materials exist warranting arrest in a complaint or FIR" should be understood as "when based on first impression, no offence is made out as shown in the FIR or the complaint". This means that when the necessary ingredients to constitute the offence under the Act, 1989 are not made out upon the reading of the complaint, no case can be said to exist prima facie.

48. *As a sequitur, if the necessary ingredients to constitute the offence under the Act, 1989 are not disclosed on the prima facie reading of the allegations levelled in the complaint or FIR, then in such circumstances, as per the consistent exposition by various decisions of this Court, the bar of S.18 would not apply and the courts would not be absolutely precluded from granting pre - arrest bail to the accused persons.*

.....

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.

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

The words "with intent to humiliate" as they appear in the text of S.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.

62. We would like to refer to the observations of this Court in *Ram Krishna Balothia (supra)* to further elaborate upon the idea of "humiliation" as it has been used under the Act, 1989. It was observed in the said case that the offences enumerated under the Act, 1989 belong to a separate category as they arise from the practice of 'untouchability' and thus the Parliament was competent to enact special laws treating such offences and offenders as belonging to a separate category. Referring to the Statements of Objects and Purposes of the Act, 1989 it was observed by this Court that the object behind the introduction of the Act, 1989 was to afford statutory protection to the Scheduled Castes and the Scheduled Tribes, who were terrorised and subjected to humiliation and indignation upon assertion of their civil rights and resistance to the practice of untouchability. For this reason, mere fact that the person subjected to insult or intimidation belongs to a Scheduled Caste or Scheduled Tribe would not attract the offence under S.3(1)(r) unless it was the intention of the accused to subject the concerned person to caste - based humiliation.

70. In our considered view, it is in a similar vein that the term 'humiliation' as it appears in S.3(1)(r) of the Act, 1989 must be construed, that is, in a way that it deprecates the infliction of humiliation against members of the Scheduled Castes and Scheduled Tribes wherein such humiliation is intricately associated with the caste identity of such members."

17. Thus it is settled law by the Hon'ble Supreme Court that at the stage of considering whether a prima facie case exists to entertaining an application for anticipatory bail in view of the bar under Section 18 and 18A of the Act, the consideration under Section 438 Cr.Pc/ 183 BNSS cannot be made at the threshold. The Court can only find out the existence of prima facie case based on the allegations levelled in the F.I.R, complaint and materials collected by the prosecution. A critical analysis of evidence is not permitted at the threshold while considering the bar under Section 18 and 18A of the Act.

18. With these aspects in mind, while considering this anticipatory bail application, this court is expected only to consider the allegation levelled against the petitioners at present. For more clarity, the specific allegation against petitioners, who are now arrayed as accused no. 4 and 5 is reproduced in verbatim as follows.:

“നിതിൻരാജ് ഡൽഹി ആസ്ഥാനമായുള്ള ഓൺലൈൻ ലോൺ ആപ്പിൽ നിന്നും ലോൺ എടുത്തതുമായി ബന്ധപ്പെട്ട് ലോൺ തിരിച്ചടയ്ക്കാൻ ആവശ്യപ്പെട്ട് 5-ാം പ്രതിക്ക് ഓൺലൈൻ ലോൺ ആപ്പിൽ നിന്നും നിരന്തരം ഫോൺ കോളുകളും മെസ്സേജുകളും വന്നതിനെ തുടർന്ന്, നിതിൻ രാജിനെ 12-39 PM സമയത്ത് 5-ാം പ്രതിയുടെ പരാതി പ്രകാരം 4-ാം പ്രതി തന്റെ മുറിയിൽ വിളിച്ചു വരുത്തുകയും ലോൺ തുക തിരിച്ചടയ്ക്കാത്തതുമായി ബന്ധപ്പെട്ട് മുറിയിൽ വെച്ച് പ്രതികൾ നിതിൻ രാജ് പട്ടിക ജാതി വിഭാഗത്തിൽ ഉൾപ്പെട്ട വിദ്യാർത്ഥിയാണ് എന്ന് അറിഞ്ഞുകൊണ്ട് 5-ാം പ്രതി നിതിൻ രാജിനെതിരെ പോലീസിൽ പരാതി കൊടുക്കുമെന്ന് പറഞ്ഞ് ഭീഷണിപ്പെടുത്തുകയും “അടിച്ചു നിന്റെ കരണക്കുറ്റി പൊട്ടിക്കും” എന്ന് പറഞ്ഞ് നിതിൻ രാജിനെ അടിക്കാൻ ശ്രമിക്കുകയും, 4-ാം പ്രതി നിതിൻ രാജിനെതിരെ ഷൗട്ട് ചെയ്ത് “നീ ഇറങ്ങേണ്ട പുറത്ത്, നിന്റെ ഉടായിപ്പ് ഇവിടെ നടക്കുകയില്ല. നീ ഇനി ഈ കോളേജിൽ പഠിക്കില്ല. നീ ലോൺ തിരിച്ചടയ്ക്കേണ്ട” എന്നും

മറ്റും പറഞ്ഞ് നിതിൻ രാജിന്റെ ഫോൺ പ്രിൻസിപ്പളിന്റെ മുറിയിൽ നിർബന്ധമായി പിടിച്ചു വയ്ക്കുകയും 12:39 മണി മുതൽ 13.27 മണിവരെ തുടർച്ചയായി ചോദ്യം ചെയ്ത് പീഡിപ്പിച്ചതിലും മറ്റുള്ളവരുടെ മുന്നിൽ വെച്ച് അപമനിച്ചതിലും വെച്ച് ഓഫീസ് മുറിയിൽ നിന്നും കണ്ണ് തുടച്ചുകൊണ്ട് പുറത്തിറങ്ങിയ നിതിൻ രാജ് തന്നെ കോളേജിൽ നിന്നും പുറത്താക്കും എന്നുള്ള ഭയത്താൽ ഇനി മരിക്കുകയല്ലാതെ മറ്റു പോം വഴികൾ ഒന്നും തന്നെയില്ല എന്നുള്ള വിശ്വാസത്തിൽ ആശുപത്രി ബിൽഡിങ്ങിന്റെ രണ്ടാം നിലയിൽ നിന്നും 13.38 മണിക്ക് താഴേക്ക് ചാടി ആത്മഹത്യ ചെയ്തതാണ് എന്നും 4-5 പ്രതികളുടെ ഭീഷണിയും മറ്റുള്ളവരുടെ മുന്നിൽ വെച്ചുണ്ടായ അപമാനവും മൂലമുണ്ടായ പ്രേരണയാലാണ് നിതിൻരാജ് ആത്മഹത്യ ചെയ്യാൻ ഇടയായത് എന്നും അന്വേഷണത്തിൽ വെളിവാക്കുന്നതിനാൽ മേൽ പ്രതികളെ ഈ കേസിൽ 4-5-ഉം പ്രതിസ്ഥാനങ്ങളിൽ കൂട്ടിച്ചേർത്ത് അന്വേഷണം തുടരുന്നതായി റിപ്പോർട്ട്.

19. On going through the above referred allegations against the accused and viewing the CCTV footage produced in court, it needs to be noticed that the incident had occurred inside the 4 walls of the Chamber of the Principal of a court and in view of the dictum of the decisions produced by the counsel for the petitioners in Ramkrishna Chauhan v. State of UP 2026 KHC Online 6645, it cannot be held that the act was within public view. Moreover, in view of the decision reported in Shajan Skaria's case, the elements of Section 3(1) (r) of the Act is lacking, as it is not made out that the alleged humiliation or harassment was made only on account of the caste status of the deceased.

20. The counsel for the petitioners relied on a plethora of decisions which are cited supra to contend that the basic ingredients of Section 108 of BNS, abetment of suicide are lacking in this case. It was also contemporaneous that the deceased Nithin Raj was under mental strain in

connection with a matter between him and one Fayis wherein he had imitated the voice of a lady and befriended Fayis and on account that a police complaint was lodged, and the deceased had to leave college for some time and he had to undergo counselling.

21. However, in view of the bar under Section 18 and 18A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, a critical evaluation of the matters before the Court is not possible at the threshold. That aspects may be appreciated when the Court considers the application under Section 482 of BNSS. In this case, the Court is merely ascertaining the maintainability of the application for anticipatory bail under Section 482 of BNSS and whether the bar is applicable or not.

22. It is by now settled that in order to convict a person under S.306 of the IPC, there has to be a clear mens rea to commit an offence and that there ought to be an active or direct act leading the deceased to commit suicide, being left with no option. This was held so in **S. S. Chheena v. Vijay Kumar Mahajan, 2010 KHC 4560** The Apex Court observed thus:

"27. This Court in Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi), 2009 (16) SCC 605 had an occasion to deal with this aspect of abetment. The Court dealt with the dictionary meaning of the words "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 other. Each person has his own idea of self - esteem and self - respect. 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.

28. 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. The intention of the Legislature and the ratio of the cases decided by this Court is clear that in order to convict a person under S.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 that act must have been intended to push the deceased into such a position that he committed suicide.

29. In the instant case, the deceased was undoubtedly hypersensitive to ordinary petulance, discord and differences which happen in our day - to - day life. Human sensitivity of each individual differs from the other. Different people behave differently in the same situation”.

23. In most of the cases, the mens rea or intention of the accused can be gathered only by circumstantial evidence and not by direct evidence.

24. In this case, though it is not alleged that there was positive act of instigation on the part of the petitioners, in inciting the deceased to commit suicide, it is alleged that immediately after he was questioned and scolded by the petitioners, he committed suicide. The said conduct of the accused triggered the act of suicide by the deceased. It is alleged by the prosecution that the above act of the accused drove Nithin Raj to commit suicide. Thus, on considering the allegations of the prosecution against

petitioners 4 and 5 at the face value, it is found that their alleged action had triggered Nithin Raj to commit suicide and there was a live link between their conduct and the suicide of the deceased.

25. It needs to be noted that the above-referred dictum in **S. S. Chheena v. Vijay Kumar Mahajan**, 2010 KHC 4560 and the dictum of the decisions relied by the counsel for the petitioners are not germane for consideration at this stage where the investigation is in progress. Those aspects are to be considered at a later stage of the case and not when the court is considering the maintainability of the application for anticipatory bail vis-a-vis- Section 18 and 18A of the Act.

26. As would appear from the language used by the Legislature in Section 3(2)(v) of SC/ST (POA) Act, it is clear that this Section does not constitute any substantive offence and if any person not being a member of a Scheduled Caste or a Scheduled Tribe commits any offence under the Indian Penal Code punishable with imprisonment for a term of ten years or more against a person or property on the ground that such person is a member of Scheduled Caste or Scheduled Tribe or such property belongs to such member, then with the aid of section 3 (2) (V) SC/st Act enhanced punishment of life imprisonment would be awarded in such case

27. In **Shivakumar @ Baleshwar Yadav v. Chhattisgarh**, 2025 KHC 6870, it is held as follows: Regarding the ingredients of Section 3(2) (v) of SC/ST Act, post amendment

“22. In Patan Jamal Vali v. State of A.P., (2021) 16 SCC 225, this Court noticed the amendment made to the Act and held that post the amendment, the threshold of proving that the crime was committed on the basis of the caste identity was decreased and mere knowledge of the

caste of the victim was sufficient to sustain the conviction.

23. Further, S.8 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 reads as under: -

"8. Presumption as to offences. - In a prosecution for an offence under this Chapter, if it is proved that -

(a) the accused rendered any financial assistance in relation to the offences committed by a person accused of, or reasonably suspected of, committing, an offence under this Chapter, the Special Court shall presume, unless the contrary is proved, that such person had abetted the offence;

(b) a group of persons committed an offence under this Chapter and if it is proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object.

(c) the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved."

The provisions of S.3(2)(v) of the SC / ST Act are attracted only when an offence punishable with imprisonment for a term of 10 years or more under the IPC has been committed. In other words, in cases where the allegation is that an offence under S.3(2)(v) of the SC/ ST

Act has been committed and when this Court prima facie concludes that the substantive offence punishable with a term of imprisonment for a period of 10 years or more has not been committed, the said prima facie conclusion is sufficient to hold that the bar under S.18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the grant of anticipatory bail will not apply.

28. On consideration of the allegations levelled against the petitioners which are narrated in vernacular (supra), the existence of a prima facie case of abetment of suicide is made out and therefore Section 3 (2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act also will be attracted. In the said circumstances, the bar under Section 18 and 18A of the Act is attracted and this application for anticipatory bail is not maintainable.

29. Thus, I hold that this application for anticipatory bail is not maintainable in view of the bar under Section 18 and 18A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Consequently, this bail application is dismissed.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open Court, this the 26th day of October, 2026).

Sd/-

**SPECIAL JUDGE/
SESSIONS JUDGE**

Copy to:-

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

Fair/Copy of Order
in BA No.1025/2026
Dated: 26.10.2026.