



2026:KER:44419

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

FRIDAY, THE 19TH DAY OF JUNE 2026 / 29TH JYAISHTA, 1948

CRL.A NO. 609 OF 2026

CRIME NO.202/2026 OF CHAKKARAKKAL POLICE STATION, Kannur
AGAINST THE ORDER IN BA NO.444 OF 2026 OF ADDITIONAL SESSIONS COURT -
IV, THALASSERY

APPELLANT/ACCUSED:

DR.M KODANDA RAM
AGED 53 YEARS
S/O.MUNIYAPPA SAAWAN, NEAR EDESA CONVENT HOSTEL, EDACHERRY ROAD
PALLIKUNNU P.O., KANNUR, PIN - 670004
BY ADVS.
SRI.S.RAJEEV
SRI.V.VINAY
SRI.M.S.ANEER
SHRI.SARATH K.P.
SHRI.ANILKUMAR C.R.
SHRI.K.S.KIRAN KRISHNAN
SMT.DIPA V.
SHRI.AKASH CHERIAN THOMAS
SHRI.AZAD SUNIL
SHRI.T.P.ARAVIND
SHRI.MAHESWAR PADICKAL
SMT.AKSHARA S.
SMT.NIVEDITA RAJEEV

RESPONDENTS/STATE/DE FACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, PIN -
682031
- 2 THE STATION HOUSE OFFICER
CHAKKARACKAL POLICE STATION, MOUWANCHERY P.O., KANNUR DISTRICT,
PIN - 670613
- 3 LATHA
CHALACKKADU THADATHARIKATHU
VEEDU, UZHAMALACKAL, PUTHUKULANGARA, THIRUVANANTHAPURAM DISTRICT, PIN
- 695541
- *4 *ADDL.R4 IMPLEADED
RAJAN V.N.,
AGED 54 YEARS
S/O.YOVAN, CHALAKKAD, THADATHARIKATHU VEEDU, PUTHUKULANGARA P.O.,
NEDUMANGAD, THIRUVANANTHAPURAM - 695541. *(IMPLEADED AS ADDITIONAL
4TH RESPONDENT AS PER ORDER DATED 26.05.2026 IN CRL.M.A.2/2026)
R1 & R2 BY SR.PUBLIC PROSECUTOR SRI.VIPIN NARAYAN.A,
R3 & R4 BY ADV.SMT.A.PARVATHY MENON FROM VICTIM RIGHT CENTRE,
KELSA.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 12.06.2026, THE COURT
ON 19.06.2026 DELIVERED THE FOLLOWING:



JUDGMENT

Dated this the 19th day of June, 2026

The 1st accused in Crime No.202/2026 of Chakkarakkal Police Station, Kannur, has filed this appeal challenging order dated 25.04.2026 in B.A.No.444/2026 (arising out of common order in B.A.No.444/2026 and B.A.No.451/2026) whereby the anticipatory bail plea moved by the 1st accused in the said crime was dismissed by the Special Judge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended in 2018) (for short, 'the SC/ST (POA) (Amendment) Act, 2018'), Thalassery.

2. Heard the learned counsel for the appellant, Adv.Smt.A.Parvathi Menon appearing for respondents Nos.3 and 4 including the father of the victim, and the learned Public Prosecutor, in detail. Referred the records.

3. In this case, the prosecution allegation is that, Nithin Raj,



a first year BDS student of Dental College, Anjarakkandy, committed suicide at 13.38 hrs. on 10.04.2026 and the suicide was on account of the constant mental harassment at the instance of the 1st accused, who was given support in this regard by the 2nd accused. Further, the prosecution alleges that the victim Nithin Raj, who belonged to a Scheduled Caste community, was insulted and intimidated with intend to humiliate him within public view by accused No.1, who does not belong to either Scheduled Caste or Scheduled Tribe community. On this premise, the prosecution alleges commission of offences punishable under Section 108 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS' hereinafter) and under Sections 3(1)(r) and 3(2) (v) of the SC/ST (POA) (Amendment) Act, 2018.

4. While assailing the order impugned and canvassing interference in the order, the learned counsel for the appellant/1st accused vehemently argued that the appellant is innocent and the allegation that the accused had instigated Nithin Raj to commit suicide, is not supported by any materials. Similarly, no materials available to see *prima facie* any insult or intimidation to humiliate



Nithin Raj by the appellant/1st accused within public view. Therefore, the learned Special Judge went wrong in negating the plea of anticipatory bail. According to the learned counsel for the appellant, in order to find the bar under Section 18 of the SC/ST (POA) (Amendment) Act, 2018, the prosecution case would establish a *prima facie* case and in the instant case, no offence under Sections 3(1)(r) or 3(2)(v) of the SC/ST (POA) (Amendment) Act, 2018, could be seen *prima facie*. In this connection, the learned counsel has placed decision in **Shajan Skaria v. State of Kerala** reported in **[2024 KHC OnLine 6451]**, wherein it was held in paragraph Nos.35, 48 and 69 as under:

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.

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.

69. What appears from the aforesaid discussion is that the expression "intent to humiliate" as it appears in S.3(1)(r) of the Act, 1989 must necessarily be construed in the larger context in which the concept of humiliation of the marginalised groups has been understood by various scholars. It is not ordinary insult or intimidation which would amount to 'humiliation' that is sought to be made punishable under the Act, 1989. The Parliament, by way of different legislations, has over the years sought to target humiliation based on different grounds and identities which exist in the society. The Protection of Women from Domestic Violence Act, 2005 seeks to punish humiliation based on gender inequalities by specifically including the term 'humiliation' in the definition of "domestic violence". Similarly, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 includes treatment causing humiliation to a female employee and which may likely affect her health and safety within the definition of sexual harassment.



Similarly, the learned counsel placed another decision in **Rahul M.R. v. State of Kerala** reported in **[2025 (6) KHC 231]**, wherein in paragraph No.7, it was held as under:

“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 SC/ST Act against the grant of anticipatory bail will not apply. In other words, in the facts of this case, the prima facie conclusion that the appellants have not committed any offence under S.376(2)(n) and S.506 IPC automatically leads to a conclusion that the appellants have not committed an offence punishable under S.3(2)(v) of the SC/ST Act.”

Apart from that, the learned counsel placed decision in **Prathvi Raj Chauhan v. Union of India** reported in **[2020 (1) KLT 810 (SC)]** wherein in paragraph No.54, it was held as under:

“54. The guidelines in (iii) and (iv) appear to have been issued in of view of the provisions contained in Section 18 of the Act of 1989; whereas adequate safeguards have been



provided by a of purposive interpretation by this Court in the case of State of M.P. v. R.K. Balothia (1995 (1) KLT 535 (SC) = (1995) 3 SCC 221). The consistent view of this Court that if prima of facie case has not been made out attracting the provisions of SC/ST Act of 1989, in that case, the bar created under Section 18 on the grant of anticipatory bail is not attracted. Thus, misuse of the provisions of the Act is intended to be taken care of by the decision above. In Kartar Singh (supra), a Constitution Bench of this Court has laid down that taking away the said right of anticipatory bail would not amount to a violation of Article 21 of the Constitution of India. Thus, prima facie it appears that in the case of misuse of provisions, adequate safeguards are provided in the decision mentioned above.”

In addition to that, the learned counsel relied on the decision in **Jhhau v. State** reported in [**2019 KHC 3633**], wherein in paragraph No.33, it was held as under:

“In other words, the sentence may not be less than life imprisonment and fine. Meaning thereby this S.3(2)(V) is not with a substantive provision under this Act No.33 of 1989, rather it is an enabling provision for awarding the sentence to be awarded for an offence under Code of that category given in this provision.”



In addition to that, the learned counsel for the appellant has placed another decision in **Rajachandrasekharan @ Babu v. State of Kerala** reported in **[2024 (2) KHC 568 (DB)]** wherein, in paragraph No.11, it was held as under:

“Rather, the provisions of Section 3(2)(v) of the SC/ST (POA) Act itself make it clear that its application is only under circumstances where specified offences under the IPC are committed, with the knowledge that the person against whom it is committed is a member of the Scheduled Caste or a Scheduled Tribe. As noticed in Narain Trivedi v. State of U.P., 2009 KHC 5489 and Jhhau v. State, 2019 KHC 3633, Section 3(2)(v) of the SC/ST (POA) Act does not constitute any substantive offence and an accused cannot be convicted and sentenced for an offence under Section 3(2)(v) simplicitor. Section 3(2)(v) is only an enabling provision for awarding sentence for the commission of particular types of offences under the IPC.”

The learned counsel for the appellant vehemently argued that in order to attract an offence under Section 108 of the BNS, there must be an act of instigation which resulted in commission of suicide by the victim. It is argued finally that, unless such instigation is



established, *prima facie* offence under Section 108 of the BNS could not be found during crime stage and proof of the same beyond doubt must be established to record conviction for the said offence after trial. In this connection, the learned counsel has placed decisions in **Radhika Kapahtia (Dr.) v. State of Kerala** reported in [2024 (4) KHC 482]; **Cyriac v. S.I. of Police** reported in [2005 KHC 1021]; **Safwan Adhur v. State of Kerala** reported in [2026 KHC 56]; **Balaji Jaiswal v. State of Chattisgarh** reported in [2026 KHC 6286] ; **Laxmi v. State of West Bengal** reported in [2025 KLT OnLine 1089 (SC)]; **Ismail Iyyathum Kadan v. State of Kerala** reported in [2025 KHC OnLine 1925] ; **Mahendra Awase v. State of Madhya Pradesh** reported in [2025 KLT OnLine 1088 (SC)]; **Nipun Aneja v. State of Uttar Pradesh** reported in [2024 KHC OnLine 6552] ; **Syamkrishna K.R. v. State of Kerala** reported in [2024 KHC OnLine 350] ; **Jayedepsinh Pravinsinh Chavda v. State of Gujarat** reported in [2024 KLT OnLine 2961 (SC)] ; **Prakash v. State of Maharashtra** reported in [2024 KHC OnLine 6738]; **Ramesh**



Kumar v. State of Chattisgarh reported in [2002 (1) KL NOC 19].

It is further submitted by the learned counsel for the appellant that, even though the appellant did not commit any offences *prima facie*, he has been subjected to a media trial and media trail on *conjectures and surmises* should not influence a Court of law to decide a case in any manner. Reliance is placed on the decision in **Kannan v. State of Kerala** reported in [1984 KHC 235], wherein a learned Single Judge of this Court, in paragraphs 11 and 12, cautioned against media trials and emphasized the need to ensure a fair, impartial and open trial before an independent Judge, free from prejudice and based solely on the evidence available on record.

5. Initially, the father of the victim, who is arrayed as the additional 4th respondent in this case, appeared through counsel. Subsequently, the learned counsel who had filed the vakalath for him submitted that he had relinquished the vakalath. Thereupon, the 4th respondent sought the assistance of this Court for legal aid. Accordingly, the Victim Rights Centre (VRC), a service wing



functioning under the aegis of KELSA and constituted to ensure access to justice and fair treatment to victims, facilitated the appointment of Adv.Smt.A.Parvathi Menon to represent respondent Nos. 3 and 4, and a detailed objection has been filed by respondent Nos.3 and 4 through the learned counsel. In the objection, it has been contended that Nithin Raj was an enthusiastic and determined student, who spent three years for clearing the Medical Entrance Examination to achieve his ambition of becoming a doctor, and that he joined the BDS course at the Medical College, Anjarakkandy after securing a Government seat there, foregoing his selection for a Nursing course in a prestigious institution, viz., JIPMER. Paragraph Nos.5, 6, 7, 8, 11 and 12 to 28 and 30 to 31 of the objection filed by respondent Nos.3 and 4 are relevant and the same are extracted hereunder:

“5. Nithin belonged to a lower-income, Scheduled Caste household, with a close-knit unit consisting of his parents and two sisters, both are married. His father earned a livelihood as a painter, while both sisters, who are graduates, are pursuing promising careers and currently employed temporarily in banks and financial institutions.



They belonged to Nedumangad, Trivandrum. The deceased entered the campus as a student with full of hope and dreams. However, he was soon disheartened by the negative environment prevalent on campus. Although the usual minor instances of ragging from senior students were there, they did not affect him, but the negative behavior of certain teachers, particularly the accused herein, had a severe impact on him. During the self-introduction session on the Freshers' day when he mentioned that his father was a painter, some of his peers and teachers appeared to react with visible disdain. Despite these experiences, the deceased gradually began forming friendships on campus. On one occasion, while playing an online game, he became friendly with one Fayeez (not a student of his college). During the course of their interactions, the deceased played a prank on him which led Fayeez to escalate the matter by lodging a complaint. The issue, however, was subsequently resolved amicably between the two. Notwithstanding the settlement of the matter, the College administration viewed the incident seriously and summoned his parents from Trivandrum. The deceased was compelled to return home with his parents. He thus remained at home for a few weeks from November, 2025 before he got back to campus in January, 2026

6. In fact, apart from the online gaming incident, there had never been any complaint or disciplinary issue concerning the deceased. Among the faculty members, the



appellant/accused stood out for his conduct towards students. The appellant/accused was openly vocal and discriminatory towards Muslim students and would frequently make derogatory remarks against them. On several occasions, he would question Muslim students as to whether they were terrorists. His conduct was not confined to Muslim students alone. He would also direct disparaging remarks towards students belonging to marginalised communities and had specifically targeted the deceased.

7. The appellant/accused had developed an ill reputation for intimidating students. He would openly challenge students to raise complaints against him and would threaten that doing so would mark the end of their professional careers. The deceased was subjected to repeated ridicule and humiliation by the appellant/accused on account of his social background and community status. The appellant/accused also pressured him to move out of the hostel and secure private paying-guest accommodation. However, given the financial condition of his household, such an arrangement was beyond the family's means, leaving him with no option but to continue residing in the hostel.

8. The deceased had, in fact, intended to return to the campus in December, 2025. However, his mother fell seriously ill and was diagnosed with tuberculosis, requiring surgery and prolonged medical treatment. The



deceased resumed classes on 26 January 2026 in order to appear for examinations scheduled to commence on 27 January 2026. He returned to the campus along with his brother-in-law during the night with the intention of resuming his classes and appearing for the forthcoming examinations. Prior thereto, he had informed the Principal of his decision to join the College and continue his studies. However, on reaching the Campus hostel, the Warden allegedly behaved in a harsh and unaccommodating manner and initially refused to permit him entry. It was only after the Warden contacted the Principal and obtained confirmation regarding the deceased's return that he was allowed access to the hostel premises. The deceased was made to wait for more than an hour before accommodation was arranged for him. Ultimately, he was directed to occupy the sick room, which was dusty, untidy and in an uninhabitable condition. To his shock, he found that his bed and personal belongings had been removed from his allotted hostel accommodation and shifted to the said room. The sick room was dusty, poorly maintained and unfit for occupation. Having no alternative, the deceased was compelled to clean the room himself late at night before he could stay there. The deceased was deeply distressed by these events and was reduced to tears on the night he was forced to occupy the room.



9. Nevertheless, he persevered and appeared for his examinations. Although he was unsuccessful in two or three theory papers, his academic performance otherwise demonstrated his capability and commitment. He secured 49.5 out of 50 marks in practical examinations and assignments and, in several subjects, obtained higher marks than students who regularly attended classes.

10. The deceased continued to attend classes. During this period, he remained in constant touch with his family and regularly informed them of the difficulties he was facing in surviving within the College environment. He repeatedly conveyed his sense of isolation and the hostile atmosphere that he perceived on the campus. He soon came to believe that he was being singled out and targeted by members of the staff with perhaps one or two exceptions.

11. The students, in general, were terrified of the appellant/accused and lived in constant fear of his conduct. He was known to habitually body-shame students and subject them to ridicule and humiliation. The appellant/accused maintained a room within the hostel premises. The appellant/accused particularly targeted the deceased and repeatedly subjected him to humiliation and harassment within the hostel. Over a period of time, the situation deteriorated. Many of his male classmates were afraid to associate or even speak with him, apprehending



that such interaction would incur the displeasure of the accused and make them the next targets of his hostility.

12. Despite this atmosphere of fear, a few students, including certain girl students, continued to maintain friendly relations with the deceased. One such student, Ms.Archa, had publicly spoken to the media and corroborated the incidents and circumstances that had been narrated regarding the treatment meted out to the deceased. Her statements lend support to the allegations concerning the sustained humiliation, isolation, and victimisation suffered by him at the hands of the appellant/accused.

13. The deceased student had maintained a cordial and respectful relationship with Prof. Latha. It is understood that Prof. Latha, who had difficulty preparing legible notes owing to her handwriting, would often share her notes with the deceased. The deceased would painstakingly rewrite and compile them in a student-friendly format and circulate the same through student groups to assist his classmates in their studies. This reflects the esteem in which he was held by at least some members of the faculty and his willingness to assist fellow students. In fact the deceased shared a close and trusting rapport with Prof. Latha and frequently sought her guidance regarding personal and family matters. It is understood that he had, on several occasions, shared details and medical records relating to



his mother's serious health condition with her. Prof. Latha is also stated to have provided him with advice and support during this difficult period and had even suggested that he take his mother to KIMS Hospital for specialised treatment. These circumstances demonstrate that the deceased was under considerable emotional stress owing to his mother's medical condition and had sought assistance and guidance from trusted members of the faculty.

14. The family is in fact deeply shocked to learn that Prof. Latha had lodged a complaint against him in April, 2026 regarding the loan app harassment. This came as a complete shock because, during the period when the deceased remained at home, Prof. Latha had been in regular contact with him, encouraging him to rejoin the course, motivating him to continue his studies, and even sharing notes to assist him academically.

15. With the commencement of the second semester classes in February, 2026, answer papers and academic assessments were being distributed to students. The deceased was particularly apprehensive of attending the classes handled by the accused owing to the repeated humiliation and ridicule to which he had been subjected. On several occasions, he had expressed a desire to avoid the accused's classes altogether. However, he felt compelled to attend them as he feared that absence from class would result in loss of attendance and consequent ineligibility to



appear for examinations.

16. A Parent-Teacher Association (PTA) meeting relating to the first semester was held section wise from February 24 to February 27, 2026. At the relevant time, the mother of the deceased was recovering from the major surgical procedure. Owing to her medical condition, neither parent could attend the meeting. It is understood that the father of the deceased had communicated the reasons for their inability to attend to the College authorities.

17. Subsequently, the deceased was questioned by the appellant/accused in the presence of other students regarding the absence of his parents at the PTA meeting. When the deceased explained that his mother was recovering from surgery, the appellant/accused allegedly mocked him publicly and made insensitive remarks to the effect that, even if she had undergone surgery on her neck, she still had her legs and could have attended the meeting. The accused is also stated to have remarked that the deceased himself could have donated an organ and remained absent. Such remarks were not only wholly inappropriate but also served to publicly ridicule the student and trivialise the serious medical condition of his mother. It is further alleged that the appellant/accused mocked the deceased by stating that he would deduct three marks from his internal assessment and that the deceased could treat the same as a 'surprise gift' for his parents. Such a remark, if made, was clearly derogatory



and humiliating in nature and would have been particularly distressing to a student whose academic performance and future prospects were of paramount importance.

*18. Matters reached a critical stage on 13.03.2026. On that day, the appellant/accused entered the classroom in an aggressive and hostile mood. He allegedly directed one student to strike another student. Thereafter, turning his attention to the deceased, he shouted at him, ; **'Is the slum dog sitting here? Stand up.'** The remark was made in the presence of the entire class and was intended to demean and humiliate the deceased. The appellant/accused then directed a student to bring the deceased's answer papers from the staff room. On receiving them, he began reading aloud from the papers before the class and proceeded to criticise virtually every line written by the deceased. The exercise appeared designed not as an academic evaluation but as a public spectacle intended to belittle harass, humiliate and embarrass him before his peers.*

19. Unable to tolerate the continued humiliation, the deceased responded to the appellant/accused. He was immediately directed to leave the classroom. Later that very day, he was summoned to the staff room by the appellant/accused. Inside the staff room, the appellant/accused is alleged to have subjected the deceased to further intimidation and threats. He reportedly called him an idiot', threatened to cut off his arm and further threatened



that he would be run over by a car. It is understood that the second respondent was also present in the staff room during at least part of this interaction. It is further alleged that the appellant/accused threatened the deceased that he would never again be permitted to write the examination in Dental Anatomy.

20. When the deceased emerged from the staff room, he was visibly distressed and emotionally shaken. Several students who observed his condition advised him to approach the Principal and report the incident. It is understood that the Principal thereafter met the deceased and attempted to console him, while also stating that there had been several complaints against the said teacher from other students as well. This statement assumes significance in light of the pattern of conduct alleged against the accused and suggests that the incidents involving the deceased were not isolated occurrences but formed part of a broader course of behaviour that had caused concern among students.

21. It is true that the deceased had availed a loan through a mobile loan application for meeting expenses connected with his mother's medical treatment; especially the Scan bills. 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.



22. The sisters of the deceased recall that, on receiving the loan amount from the digital lending applications, the deceased had discussed with them whether he should utilise a portion of the funds to purchase the dental kit required for his academic course. Although the loan had initially been availed to meet his mother's medical expenses, his sisters had assured him that the family would take care of those expenses and advised him that he could instead use the amount for purchasing the dental kit, which was essential for his studies. This circumstance is significant as it indicates that the deceased was actively planning for his academic requirements and future course of study. It also demonstrates that the loan amount was not perceived by him as an insurmountable financial burden but rather as a means of meeting pressing family and educational needs.

23 The appellant/accused is also alleged to have repeatedly attempted to portray the deceased in a false and derogatory light before fellow students. Following the earlier prank involving Fayeez, the appellant/accused is stated to have persistently insinuated that the deceased was involved in a so-called 'honey trap'. As part of this course of conduct, it is understood that the appellant/accused deliberately intervened in connection with the Freshers' Day programme and caused the costume assigned to the deceased to be changed to that of a 'honey bee'. The change was allegedly intended to reinforce



the false insinuation and to subject the deceased to ridicule before his peers.

24. Apparently the appellant/accused would repeatedly make remarks and references linking the deceased with the alleged 'honey trap' narrative, thereby creating an atmosphere of embarrassment and humiliation around him. Such conduct, would certainly demonstrate a deliberate pattern of targeting, mocking and socially stigmatising the deceased in the presence of other students. The cumulative effect of these incidents was to undermine his dignity, damage his reputation among his peers, and contribute to his increasing social isolation and emotional distress.

25. The conduct attributed to the appellant/accused was not confined merely to body-shaming students. Several students have reportedly stated that he frequently made comments regarding the physical appearance, complexion and personal characteristics of students in a manner that was derogatory and humiliating. It is understood that fair-complexioned students were openly appreciated with remarks such as 'You look like Cinderella', thereby demonstrating a pattern of making personal comments based upon physical appearance rather than maintaining the dignity expected of a teacher.

26. More importantly, the allegations concerning the treatment meted out to the deceased disclose elements that require serious examination



under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The deceased had repeatedly told his sisters that appellant/accused repeatedly insinuated that the deceased had secured admission to a Government seat solely because of reservation benefits and that, but for such reservation, he could not even have dreamt of obtaining admission. Such remarks were not directed at the academic performance of the deceased but at his caste-based entitlement and social status.

27. The accused is also alleged to have publicly referred to the deceased as 'Slum dog', a term that is plainly abusive, degrading, and intended to humiliate. These remarks were allegedly made in the presence of other students and in the class room within the educational institution on 13.3.2026.

28. It is submitted that the accused, fully aware that the deceased belonged to a Scheduled Caste community, intentionally subjected him to humiliation, insult and degradation on account of his caste identity. The remarks attributed to the accused, particularly those questioning the deceased's merit on the basis of reservation and the repeated public humiliation allegedly inflicted upon him, would warrant serious consideration under Section 3(1) (r)



of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

30. *Equally significant is the role attributed to the alleged loan-app harassment. The materials presently available do not indicate that Prof. Latha Surendran was subjected to any serious harassment by representatives of the loan application. At best, the communications appear to have consisted of calls seeking repayment of the loan amount from the deceased, including communications made in Hindi. No material presently available suggests threats, intimidation, extortion, or conduct of such gravity as would independently explain the tragic death of the deceased.*

31. *It is noteworthy that Prof. Latha appears to have lodged a complaint before the police only on 12.04.2026, that is, after the death of the deceased. The circumstances in which the complaint came to be lodged, the delay involved and the purpose for which it was relied upon during the investigation require careful examination. **This respondent has reason to believe that undue emphasis has been placed on the loan-app narrative with a view to diverting attention from the repeated acts of humiliation, intimidation, caste-based remarks and harassment allegedly suffered by the deceased within the educational institution.***”

6. It is pointed out by the learned counsel appearing for



respondent Nos.3 and 4 that Nithin Raj belonged to B Section and, as per the academic schedule applicable to his section, classes were scheduled to commence only in the afternoon at 1.00 p.m. It is, however, contended that he had been summoned to the Principal's room. The family was informed by two senior students that they had been directed by the appellant/accused to bring Nithin Raj to the Principal's room. The learned counsel further submitted that the prosecution, relying upon the CCTV footage, had specifically contended before the learned Sessions Court that the deceased had entered the Principal's room at approximately 12.39 p.m. and had remained there until about 12.55 p.m. on 10.04.2026. It is further submitted that the CCTV footage revealed that two teachers, namely, Prof. Latha and Ms.Bhagyasree, had entered the Principal's room at around 12.10 p.m. During the period when Nithin Raj was inside the Principal's room, the Vice-Principal and the said teachers were also present. It is further pointed out that the CCTV footage showed that the deceased had briefly exited the Principal's room at about 12.59 p.m. to collect his mobile phone and had thereafter re-entered the



room at approximately 1.09 p.m. He finally came out of the Principal's room at around 1.22 p.m. It is also submitted that the CCTV footage depicted the appellant/accused entering the staff room at approximately 12.35 p.m. and attempting to open the Principal's room. Thereafter, from about 12.58 p.m. onwards, the appellant/1st accused was seen conversing with Prof. Latha and other members of the teaching staff until approximately 1.28 p.m. According to the learned counsel, these circumstances have considerable significance to proceed with an effective investigation into the role of the appellant/1st accused in the events instigating the death of Nithin Raj. The learned counsel appearing for respondent Nos.3 and 4 would submit that the alleged offences are *prima facie* made out and that the suicide committed by Nithin Raj was solely on account of the mental torture and instigation, insult and intimidation to humiliate him within public view by the 1st accused along with the 2nd accused. It is further submitted that, in such a case, grant of anticipatory bail would be detrimental to the prosecution and to the interest of the legal heirs of the victim and the



public at large. Accordingly, she pressed for dismissal of this appeal. She also vehemently opposed the contentions raised by the learned counsel for the appellant that demand for recovery of Rs.15,000/- by the online loan app as the reason for his commission of suicide.

7. The learned Public Prosecutor opposed and shared the arguments advanced by the learned counsel appearing for respondent Nos.3 and 4 while pressing for dismissal of the appeal.

8. In this matter, the prosecution alleges commission of offences punishable under Sections 3(1)(r) and 3(2)(v) of the SC/ST (POA) (Amendment) Act,2018 as well as under Section 108 of the BNS. Section 108 of the BNS is corresponding to Section 306 of the Indian Penal Code (for short, 'the IPC' hereinafter). Section 108 of the BNS deals with the offence of abetment of suicide. It has been provided that *if any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.* Thus, abetment to commit suicide is the essential ingredient to find commission of offence under Section 108



of the BNS when considering bail application filed by the appellant, who alleged to have committed offence under Section 108 of the BNS and under Sections 3(1)(r) and 3(2)(v) of the SC/ST (POA) (Amendment) Act, 2018, this Court should have to venture into the question as to whether the offences are made out, *prime facie*, from the prosecution materials as against the appellant. It is not in dispute that, in order to sustain a prosecution alleging the commission of an offence under Section 306 of the IPC, which is *pari meteria* to Section 108 of the BNS, the overt acts attributed to the accused must amount to instigation committed with the intention of provoking, inciting or encouraging the victim to commit suicide. If such ingredient could not be found *prima facie*, it would not be safe to hold that the said offence is made out, *prima facie*. Coming to Section 3(1)(r) of the SC/ST (POA) (Amendment) Act,2018, it could be gathered that, *whoever not being a member of either a Scheduled Caste or a Scheduled Tribe community intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view, the same is an*



offence under Section 3(1)(r) of the SC/ST (POA) (Amendment) Act,2018, which would attract bar under Section 18 of the SC/ST (POA) (Amendment) Act, 2018, in the matter of grant of anticipatory bail. The legal position argued by the learned counsel for the appellant on the basis of the decisions cited by him is not in dispute.

9. The question that arises for consideration in this case is whether the materials on record *prima facie* disclose the commission of the said offences so as to attract the bar under Section 18 of the SC/ST (POA) (Amendment) Act, 2018. In the impugned order, the learned Special Judge also relied upon the decisions in **Prathvi Raj Chauhan's** case (supra), **Shajan Skaria's** case (supra), and held that the materials available *prima facie* make out the alleged offences against the appellant. Consequently, it was found that the bar under Section 18 of the SC/ST (POA) (Amendment) Act, 2018 would stand in the way of granting anticipatory bail to the appellant. In this case, as argued by the learned counsel for the appellant, Nithin Raj committed suicide at 13.38 hrs. on 10.04.2026 and on getting information regarding the said occurrence, Chakkarakkal Police



registered Crime No.202/2026 at 20.25 hrs. on 10.04.2026 itself under Section 194 of the Bharatiya Nagarik Suraksha Sanhita, 2023, based on the statement by Dr.Vinod Mony, the Principal of the college, as per which, commission of suicide of Nithin Raj alone was reported. According to the learned counsel for the appellant, the suicide committed by Nithin Raj was not on account of any act attributable to the appellant, but was the result of constant calls received from an online “loan app” agency by name "Insta Pay", from which Nithin Raj had availed a loan of Rs.15,000/-. It is further submitted that, as evident from Annexure III FIR in Crime No.217/2026 of Chakkarakkal Police Station, registered at 00:27 hours on 17.04.2026, accused Nos.1 to 3 therein had demanded repayment of the said loan amount on 09.04.2026. It is also pointed out that apart from Annexure III, accused Nos.1 to 3 who are booked under the “Insta Pay” loan scam are alleged to have committed offences punishable under Section 308 of the BNS, Section 13 of the Kerala Money-Lenders Act, 1958 and also Sections 9(1)(a) and 9(2) of the Kerala Prohibition of Charging Exorbitant Interest Act, 2012.



Apart from that, as per Annexure V, another crime was registered alleging commission of offences punishable under Sections 351(2) and 308(3) of the BNS as well as under Section 66(D) of the Information Technology Act, 2000 and the allegation therein is that the accused in the said crime, who were representatives of "Insta Pay", had repeatedly contacted Latha Sasidharan, a Professor at Anjarakkandy Dental College, through MMS and WhatsApp messages, demanding repayment of the loan availed by Nithin Raj. It is relevant to note that availing of loan of Rs.15,000/- by Nithin Raj and demanding for the same are the allegations to be gathered from Annexure III FIR, which was registered one week after commission of suicide by Nithin Raj as well as from Annexure V FIR which was registered on 12.04.2026 on the basis of a complaint lodged by Latha Sasidharan, a professor of the Dental College.

10. Now, the main point asserted by the learned counsel for the appellant is that the above crimes would indicate that Nithin Raj availed loan of Rs.15,000/- for an exorbitant interest at the rate of 36% and he failed to repay the same and constantly he was called by



the accused in the above crimes and they also called Latha Sasidharan and the same are the reasons for commission of suicide by Nithin Raj. The learned counsel appearing for respondent Nos.3 and 4 vehemently argued that the mere fact that Nithin Raj had availed a loan of a meager sum of Rs.15,000/- for the immediate medical treatment of his mother, who required urgent medical care, would never be a reason for the suicide and the appellant could not absolve from the overt acts allegedly committed by him, finding shelter on this feeble plank. It is contended that Annexures III and V are being relied upon by the appellant as a shield to cover up his acts of insult and intimidation with a view to humiliate Nithin Raj and his instigation which resulted the suicide of Nithin Raj. According to the prosecution and as argued by the learned counsel for respondent Nos.3 and 4, the instigation at the instance of the appellant along with the 2nd accused ultimately led to the commission of suicide by Nithin Raj.

11. Since the contentions are in rivalry, this Court is inclined to refer the statements of the witnesses recorded by the police as part of the investigation to find out whether *prima facie* the offences are



made out against the appellant. First of all, the statement of Sri.B.Faris Rahman, who is a first year student for the BDS Course, Anjarakkandy Medical College and classmate of Nithin Raj is relevant in this regard. According to him, he joined for the course consequential to the third allotment during November and stayed at the hostel attached to the college. He stated that, there was no ragging at the college campus. He stated that, when he joined the institution, the seniors had alerted him about Ram Sir (the appellant/1st accused), stating that if a student failed to bring the prescribed textbook, Sir would impose a fine; if a student would protest, Sir would book him and also put him under pressure during the practical examinations. He further stated that no purpose would be served by lodging a complaint against him, as the same would reach 'Sir' beforehand. According to him, Sir's classes were also not good. He further stated that, while taking classes, Sir used to ask questions to one student and, upon receiving an answer, he would enquire from the other students whether they all heard the answer. Thereafter, Sir would instruct one student to beat the student who had answered the question. Apart from this, Sir used to knock



the students on their heads and also beat them on their shoulders. According to him, during a conference, when he laughed while interacting with the parents of his roommate, Ram Sir beat him on the head. He stated that, although his mother later called him over the telephone, he did not disclose the incident to her. As part of his further statement, he referred to an incident dated 13.03.2026, which, according to him, was the first instance involving Nithin Raj. He stated that Ram Sir had questioned Nithin Raj regarding the absence of his parents at the parents' meeting. When Nithin Raj replied that nobody had attended the meeting because his mother had undergone surgery, Sir made certain remarks against Nithin Raj. Thereafter, Sir instructed that Nithin Raj's answer paper be brought and on getting the same "Sir" started reading it. He stated that "Sir" could not read the same and therefore instructed another student to read it aloud. Thereupon, Sir ridiculed Nithin Raj by stating that the answers written therein had no connection with the questions and that irrelevant matters were written as answers. On hearing these remarks, the other students laughed. Nithin Raj then stated that he



had written the examination without studying. According to him, 'Sir' (appellant/1st accused) thereafter remarked that **"there are some dogs in the class and the worst dog is Nithin."** He then told Nithin Raj to **"get out"**. Thereupon, Nithin Raj left the classroom, stating, **"I do not want to study in this fucking college."**

12. Coming to the statement of Archa S., another student and classmate of Nithin Raj. She also reiterated the overt acts allegedly committed by the 1st accused more or less in the same manner, as stated by Sri.B.Faris Rahman. Apart from that she specifically stated that the conduct of the 1st accused was "nothing but nonsense talk". According to her, he used to body-shame students and had referred to her as a "fatty girl" on two or three occasions. She further stated that the appellant did not show affection towards anybody and he had been in the habit of frequently praising his daughter, who had been pursuing the MBBS course. She further stated that, on one occasion, the appellant had asked Nasim, a student, to beat another student, Karthik. When the blow was feeble, he allegedly referred to Karthik as a 'transgender'. According to her,



during the month of November, Nithin Raj had gone home and, when she met him at that time, he appeared to be normal. However, when she later spoke to him over the telephone, he expressed fear of returning to the college on account of the insulted comments made against him by the appellant. She further stated that, when Nithin Raj was at the casualty, Sir (the appellant) had referred to him as "an idiot". It is relevant to note that Nasim, viz., K.S.Muhammed Nasim, also given similar statement supporting the version of Archa S.

13. Smt.Syna is another student in the first-year BDS course classmate of Nithin Raj. According to her, class on 13.03.2026 was conducted only up to the afternoon. She reiterated the statements of B.Faris Rahman and Archa S. regarding the incident that occurred in the classroom at the instance of the appellant/1st accused and the insult and intimidation done by him against Nithin Raj. According to her, during the class, the appellant/1st accused stated, "I can't change my character."

14. K.S.Muhammed Nasim is also a first-year BDS student and a classmate of Nithin Raj. He too narrated the incident in tune with the versions of the other students, namely B.Faris Rahman, Archa S.,



and Syna. In his statement, he stated that, during the class held on 13.03.2026, the appellant/1st accused referred to Nithin Raj as “a fool” and stated that “he wrote all rubbish things in the answer paper,” and thereafter directed that the answer paper be brought. Thereafter, when the answer paper was brought, each lines therein were read out through other students and Nithin Raj was ridiculed by reading the same aloud to the other students and describing it as rubbish. Nithin Raj then reacted by stating that he did not want to study in the college and said, “I am going, I do not want to study in this college.” Thereupon, he accompanied Nithin Raj and took him to the Principal's room. His further version was that the appellant/1st accused repeatedly used the words **“stupid”, “idiot”, and “fool”** against Nithin Raj and further stated in the class that **“everyone in this class are dogs, but Nithin Raj is the worst dog.”**

15. Going by the statements of the students, as extracted hereinabove, it is well discernible that the appellant/1st accused, being a teacher, used to refer to the students as **“dogs”** and had called Nithin Raj a **“dog, “idiot”, “fool” and “stupid”** and Nithin Raj as a most **“worst dog”**. Further, Nithin Raj had



been ridiculed in the classroom after his answer paper was taken and read aloud before the other students through the students. Such insults and intimidation humiliated Nithin Raj, and he decided to quit the college on account of the same.

16. In this connection, the argument advanced by the learned counsel appearing for respondent Nos.3 and 4 assumes significance. It is relevant to note that Nithin Raj belonged to a Scheduled Caste community and had secured admission to the BDS course against a Government merit seat in a self-financing college. It is also to be noted that he had obtained admission under the SC/ST quota. Even though the classmates of Nithin Raj did not state that the appellant/1st accused had made any express caste-based remarks, the status of Nithin Raj as a member of a Scheduled Caste community could be inferred from the circumstances, since he had secured admission under the SC/ST quota and the knowledge of the appellant/1st accused regarding the said fact is discernible from the materials on record. As per Section 8(c) of the SC/ST (POA) (Amendment) Act, 2018, where the accused has personal knowledge



of the victim or his family, the court is entitled to presume that the accused is aware of the caste or tribal identity of the victim, unless the contrary is proved. As per Section 3(1)(r) of the SC/ST (POA) (Amendment) Act, 2018, intentionally insulting or intimidating with intent to humiliate a member of Scheduled Caste or Scheduled Tribe community by a non-member of the said community is an offence and where knowledge regarding the caste identity of the victim is a matter to be inferred from the circumstances as the same is a statutory presumption under Section 8(c) of the SC/ST (POA) (Amendment) Act, 2018, unless the contrary is proved. Here, nothing contra available to rebut the presumption and to throw out the prosecution at this stage of investigation.

17. In the instant case, going by the statements of the witnesses extracted hereinabove, it could be seen that the appellant/1st accused had singled out Nithin Raj by referring to him as the “worst dog” among the students in the class. He had also called him “stupid” and “idiot” and, after obtaining his answer paper, caused it to be read aloud line by line before the other students and then uttered the answers therein as rubbish. The said overt acts were



done by the appellant/1st accused with the intention of insulting and intimidating Nithin Raj and with a view to humiliate him within public view, namely, in the presence of the other students in the classroom. Be it so, *prima facie*, commission of offence under Section 3(1)(r) of the SC/ST (POA) (Amendment) Act, 2018, to be found as found by the learned Special Judge.

18. It is relevant to note further that because of this torture, Nithin Raj was forced to say that he would not like to continue the course and would be leaving the college. It was thereafter, the events at the Principal's room occurred and immediately thereafter, Nithin Raj committed suicide. In such a case, it could not be safe to hold that *prima facie* the appellant/1st accused is innocent and he did not instigate commission of suicide by Nithin Raj and the allegations against him are baseless.

19. To the contrary, the appellant/1st accused, being a teacher, used to harass the students generally by using words in filthy and smutty words and made insult and intimidation to Nithin Raj with intention to humiliate him even though without referring his caste



name knowing fully well that he is a person who got admission in the college under the SC/ST category. Therefore, this Court is of the view that *prima facie*, the offence under Section 3(1)(r) of the SC/ST (POA) (Amendment) Act, 2018, is made out, when the bar under Section 18 of the SC/ST (POA) (Amendment) Act, 2018 would squarely operate.

20. It is true that Annexures III and V crimes were registered against “Insta Pay” loan app and the persons behind them for giving loan of Rs.15,000/- to Nithin Raj for exorbitant interest and for demanding the same from Nithin Raj and Latha Sasidharan, the teacher. Those crimes were registered after the occurrence. It is pertinent to note that the Investigation in those crimes is going on so rapidly, though the investigation in this crime is not having the same momentum. In this connection, it is relevant to note that merely because Nithin Raj had availed a loan of Rs.15,000/-, a very small amount, and the demand made by the loan app people alone had instigated Nithin Raj to commit suicide. On the contrary, the overt acts dealt in detail hereinabove with reference to the statements of



the classmates would show that the appellant/1st accused insulted and intimidated Nithin Raj with intention to humiliate him within public view in a most heinous manner, which is not expected from a teacher when students and public at large are expecting moral values, ideal behaviour and disciplined temperamant from a teacher, as a role model for the society. Additionally, the overt acts to be held as sufficient for provoking, inciting or encouraging to instigate Nithin Raj to commit suicide *prima facie*.

21. It is relevant to note that some of the teachers of Medical Colleges are in the habit of torturing, insulting and putting medical students on pressure under the premise of not granting marks in the internal examinations and practical examinations, with a fear of defeat in the course. This Court is fully aware of the fact that there are a large number of hard working, quality oriented and disciplined teachers in many Medical Colleges, who have been turmoiling to treat the patients and also to teach and train medical students with the noble idea of nourishing and growing a young generation of Doctors to the future generation while recognizing and praising them, it is



shocking to note that some of the teachers who are cruel towards the students, are continuously engaged in torturing, insulting and destroying the morale of the students and they are, in fact, a threat to the good teachers also. It is noticed that students who are afraid of their future and under threat of failure in the examination which would destroy their life itself are suffering the tortures as silent persons without any opportunity to respond and to complain the same. In view of tortures, some students are forced to leave the institution after closing studies and commission of suicide by some students who could not withstand the torture are not uncommon. In the said circumstances, there must be an independent forum for the students to put up their grievance to get their grievance redressed. It is reliably learned that House Surgeons and Post Graduate students are posted in the hospitals throughout day and night for duties even denying a reasonable sleeping time and also denying a reasonable time to have their food in time in order to maintain their health intact. This is a very dangerous situation and a big menace to the society. In fact, the National Medical Commission, the Health



Departments of the Central and State Governments, the Education and Higher Education Departments of the State and the Central Governments and the concerned Universities should take appropriate measures to address this menace and to avoid this dangerous and treacherous state of affairs in future. It is high time that the authorities must think of finding some solution or appointment of commission to address the issue, without fail, to ensure an unbiased forum where the colleges have no control to redress the grievance of the students.

22. In this connection, media also has a vital role. The learned counsel for the appellant zealously submitted that the appellant is a victim of media trial, though he did not commit any offences. But, this Court fully disagree with the submission. The first reason for the same is that no Judge would be influenced by the media and all Judges would pass orders and judgments based on the records and evidence before them untrammelled by the media versions, in any manner. Secondly, 'Freedom of Press' is a constitutional right and the media is recognized as the fourth pillar of democracy. When the



administrators conceal and suppress many illegalities and are acting in a biased manner, denying the legal, constitutional and personal rights of individuals, interference of the media, in fact, helped in correcting the illegalities and protecting the rights of the individuals; and when media would not interfere, those illegalities should not have been corrected. Therefore, the media plays a vital role in democracy and any oppression to the right of the media would be detrimental to the interest of the public and perseverance of democracy intact. It is true that, no doubt, no system is fully defect-free and free from shortfalls. In similar way, media also may be having shortfalls. Despite that, media people are doing their job with a view to keep the democracy intact.

23. To sum up, I fully agree with the finding of the learned Special Judge and therefore, the order impugned does not require any interference.

It is specifically ordered that the observations made in this judgment have no binding effect in the subsequent proceedings in this crime and these observations are made only for deciding the



question of grant of bail.

In the result, this appeal fails and is dismissed facilitating investigation of the case effectively by the Investigating Officer including arrest and questioning of the appellant/1st accused, without fail to ensure fair investigation.

Sd/-
A. BADHARUDEEN
JUDGE

Bb



APPENDIX OF CRL.A NO. 609 OF 2026

APPELLANT'S ANNEXURES

- Annexure I A COPY OF THE FIR & FIS IN CRIME NO. 202/2026 OF CHAKKARAKKAL POLICE STATION
- Annexure II THE VIDEO FOOTAGE IN THE ROOM OF THE PRINCIPAL FOR THE TIME PERIOD FROM 12:47:32 HOURS TO 12:48:34 HOURS.
- Annexure II-A THE VIDEO FOOTAGE IN THE ROOM OF HTE PRINCIPAL FOR THE TIME PERIOD FROM 13:09:35 HOURS TO 13:10:46
- Annexure II-B THE VIDEO FOOTAGE INT THE ROOM OF THE PRINCIPAL FOR THE TIME PERIOD FROM 13:19:33 HOURS TO 13:19:52 HOURS
- Annexure III THE COPY OF THE FIR IN CRIME NO.217/2026 OF CHAKKARAKKAL POLICE STATION, KANNUR DISTRICT
- Annexure IV THE COPY OF THE REMAND REPORT SUBMITTED BY THE POLICE IN CONNECTION WITH CRIME NO.217/2026 OF THE CHAKKARAKKAL POLICE STATION, KANNUR DISTRICT
- Annexure V THE COPY OF THE FIR IN CRIME NO.13/2026 OF CYBER POLICE STATION, KANNUR DISTRICT.
- Annexure VI ACCUSED COPY OF THE ORDER IN B.A.NO 444/2026 DATED 25.04.2026 ON THE FILE OF THE ADDITIONAL SESSIONS JUDGE IV, THALASSERY, KANNUR DISTRICT

RESPONDENTS' ANNEXURES

- Annexure R3(1) True copy of Out-Patient records of Kannur Medical College reportedly contain references employing expressions such as threatened
- Annexure R3(2) True copy of the G-mail dated 19.04.2026
- Annexure R3(3) True copy of the request dated 30.4.26
- Annexure R3(4) True copy of You Tube video link where the students especially Nithin's friend, Archa speaks to the media.
- Annexure R3(5) True copy of You Tube video link where Nithin's friend, Archa speaks to the media.
- Annexure R3(6) Audio clippings of Nithin with his friends.
- SERIES