

IN THE COURT OF THE ADDL. DISTRICT AND SESSIONS JUDGE,
MUVATTUPUZHA

Present :

Sri. Harikumar K.N, Addl. District and Sessions Judge.

Thursday 12th day of February 2026, 23rd Magha, 1947.

CRIMINAL M.P. 01/2026
in SC No.1631/2025

(Cr.No.631/2025 of Oonnukal P.S)

Petitioner/Sole Accused:-

Rajesh Rajan, aged 40 years, S/o. Rajan, Palakkattel House,
Adimali, Mannamkala, Idukki. Now residing at Paliyath
Mubarak House, 46 Ackre, Nerimangalam, Ernakulam - 686
693.

By Adv. Aneesh Kalarikkal

Respondent/State:-

State of Kerala, Represented by Public Prosecutor, Additional
District Court, Muvattupuzha.

By Sri. K.S. Jyothikumar, Addl. Public Prosecutor,
Muvattupuzha.

This petition filed under section 483 of the Bharathiya
Nagarik Suraksha Sanhitha 2023, is coming on for hearing on
12.02.2026 and on the same day, the Court passed the following.

ORDER

This is an application for bail under section 483 of BNSS.

2. Notice given to the learned Additional Public Prosecutor. The Inspector of Police, Oonnukal Police Station filed report.

3. Heard the arguments of the learned counsel for petitioner and the learned Additional Public Prosecutor.

4. The petitioner is the accused in the above case facing trial for the offence punishable u/s.103(1), 140(1), 332(a), 118(2), 309(4) and 238(a) BNS. The allegation in the final report is that the accused who established close relationship with the deceased, 61 years old Santhamma, with intention to commit her murder and rob her gold ornaments, made preparations, lured her and brought in the work-area of the house bearing no.XV/517B in Kalangad Grama Panchayat on 18.08.2025 by 03.30 pm and committed her murder by forcefully hitting on the back side of her head by means of an iron hammer which had been previously arranged by him and robbed 74.780 gms of gold ornaments from the dead body and buried the dead body in the waste tank and also destroyed the evidence such as mobile phone, vanity bag, etc.

5. On the basis of the information, the Sub Inspector of Police registered the FIR on 22.08.2025. On 28.08.2025 the

accused was arrested and produced before the learned Magistrate and he was remanded to judicial custody.

6. It is stated in the petition that no bail applications are pending before any other Courts. Learned counsel for the petitioner filed a statement to the effect that no bail applications were filed in connection with this case before Hon'ble High Court. Learned counsel for the petitioner submitted that the petitioner is innocent against the charges. The counsel would submit that though the prosecution story is narrated in dramatic and sensational manner, it is only based on circumstantial evidence and that there are absolutely no evidence or material to bring home even prima facie case against the accused. The counsel argued that there is no direct evidence to prove the charge against the accused and no materials are placed to prove the motive of the accused. The counsel would further argue that the alleged preparatory acts would not establish the criminal intention and that recovery of the incriminating articles and disposal of the body and destruction of evidence requires strict proof. The counsel submitted that the alleged recoveries are doubtful and subject to limitations. In short, the learned counsel argued that there are no materials to incriminate the accused for death of the deceased and therefore continuing incarceration is unjust. The counsel further submitted that as the investigation is completed there is no necessity for continuing the detention before trial.

7. In the report of the investigating officer the bail application is opposed mainly on the grounds that if released the accused may threaten and influence the witnesses, tamper with evidence and abscond rendering trial impossible.

8. I perused the records of the case. It is true that there is no eye witnesses for the act of murder. But it is seen from the statements of the witnesses recorded by the investigating officer that there are materials for the prosecution to prove missing of the deceased on 18.08.2025, presence of the gold ornaments on her body when she was last seen and identification of the dead-body on 22.08.2025. The post mortem report shows that cause of death was the injury inflicted by a blunt object. There is recovery of sufficient number of related material objects. At this stage, it may not be proper to arrive into a conclusion that if the materials furnished by the prosecution are properly tendered in evidence, those would not incriminate the accused. This Court does not arrive into any conclusion on its merits regarding the facts which are to be considered after the trial. At any rate, at this stage, this Court is not persuaded to accept the argument for the petitioner that there are absolutely no circumstances against the accused.

9. The allegation against the accused is that he established a relationship with the deceased, lured her to the scene of the occurrence with the intention to commit her murder after making preparations, caused her death, and robbed the gold ornaments. The nature of the allegations and the crime alleged

against the accused is grave. So, this is not a fit case to release the accused on bail. It is also important that the case now stands adjourned awaiting the Forensic Science Laboratory Report. Charge against the accused is yet to be framed. If released, the accused may threaten the witnesses and influence them. There is a likelihood of tampering with the available evidence.

10. Though it is not made as a ground in the petition, in the course of the arguments learned counsel for the petitioner raised a contention that the investigating officer had not complied with the mandatory requirements of intimating the grounds of arrest to the accused or his relatives. I perused the remand report and the records attached to it. It is stated in the remand report that the grounds of arrest was intimated to the accused as well as his brother-in-law named Vishnu by issuing notice. In addition to that the copies of the information of grounds of arrest given to the accused as well as his relative Vishnu with the acknowledgment of the accused as well as said Vishnu also are produced along with the remand report. The contents of the said documents show that those contain all the particulars regarding the allegations against the accused, reason for the arrest, date and time of the arrest. Therefore there is no merits in the arguments that the investigating officer had not informed the grounds of arrest to the accused and his relative. For all the aforesaid reasons this Court is of the opinion that this petition is only to be dismissed.

In the result, the petition is dismissed. Office shall forward a copy of this Order to the petitioner through the Superintendent of Jail forthwith.

Dictated to the Confidential Asst. transcribed and typed by her, corrected and pronounced by me in Open Court on this the 12th day of February, 2026.

Sd/-
HARIKUMAR K.N
ADDL. DISTRICT AND SESSIONS JUDGE

Appendix : Nil

I/d
ADDL. DISTRICT AND SESSIONS JUDGE

CMP 01/2026 in SC 1631/2025

Order

Dated: 12.02.2026