

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE II,
THAMARASSERY**

Present: Smt. Shahabanu Muthu T. T., Judicial First Class Magistrate

Dated this the 15th day of November, 2025

CMP 2693/2025 IN C. P. 23/16
(CRIME NO. 386/2015 OF MUKKOM POLICE STATION)

Petitioner/Accused	:	Ajith @ Ajith Kumar, Aged 31 years, S/o Sankaran, Punathil House, Kanniparampa PO, Ayamkulam, Mavoor. Residing at Cholakkunnummal House, Manassery PO, Kozhikode. (Rep. by Adv. Kumaran Chalappurath Veetil)
Counter petitioner/Complainant	:	State represented by the SHO, Mukkom Police Station, Cr. No. 386/2015. (By Sri. Jinath Kunnath, APP., Grade I)
Section of law	:	U/s. 323, 302 IPC
Order	:	Bail application is dismissed
Proceedings	:	U/s. 480 B.N.S.S., 2023

This petition having been finally heard on 15-11-2025 and on
the same day, the court delivered the following:

ORDER

1. This is a petition filed under section 480(1) of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as BNSS)
seeking grant of bail. The petitioner is the accused in crime
No.386/2015 of Mukkom Police Station.

2. **The prosecution case, in brief, is as follows** :- The prosecution allegation is that the accused committed the murder of his mother-in-law, Sarasu, on 09.08.2015 at about 6.30 PM by inflicting repeated stab injuries on her chest. The incident occurred in a shed where the accused and his wife, Anisha (PW1) were residing which was situated at Manassery near Mechery Shiva Temple, Kozhikode. The petitioner is thereby alleged to have committed the offences punishable under Sections 323, 302 IPC.

3. The petitioner/accused was convicted by the Hon'ble Court of Sessions, Kozhikode in SC 849/16.

4. Notice was served to the learned Assistant Public Prosecutor. The SHO, Mukkam Police Station filed report objecting the grant of bail.

5. Heard both sides and perused records.

6. The points that arose for consideration are:-

- 1) Whether the petitioner/accused is entitled to be enlarged on bail?
- 2) If so, what are the conditions to be imposed?

7. **Point No. 1:** The learned counsel for the petitioner/accused submitted that the Ho'ble High Court of Kerala, in its judgment in CrI. Appeal No. 1242/2019 dated 29.09.2025 held that the accused was denied a fair trial in view of the total non-compliance of the procedure contemplated u/s 332 of Cr.P.C. and remitted back the case to this Hon'ble Court for conducting a fresh enquiry under the Code as to the unsoundness of mind of the petitioner/accused.

8. The learned Assistant Public Prosecutor vehemently opposed the bail application and stated that the offence committed by

the accused is heinous in nature and therefore enlarging the accused on bail would set up a bad example to the society.

9. The materials on record disclose that the accused is alleged to have committed the offence punishable under Section 302 of the Indian Penal Code, which is a grave and heinous offence. Action under Section 328 of the Cr.P.C. is pending against the accused, and the case has already been remanded by the Hon'ble High Court for conducting proceedings under the said provision. The pendency of Section 328 Cr.P.C. proceedings indicates that the mental condition and competence of the accused to face trial are yet to be ascertained, and the case is at a crucial stage. Considering the serious nature of the allegations, the severity of the punishment prescribed, and the pendency of Section 328 Cr.P.C. proceedings, this Court is of the view that this is not a fit case to grant bail at this stage. Granting bail at this juncture may adversely affect the smooth conduct of the proceedings and may not be in the interest of justice. Hence point No.1 is found against the petitioner.

In the result, this petition is dismissed.

(Pronounced by me on this the 15th day of November, 2025)

Sd/-

Judicial First Class Magistrate-II,
Thamarassery.

/True Copy/

Judicial First Class Magistrate-II,
Thamarassery.