

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

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

Dated this the 4th day of April, 2026

CMP 1/2026 IN CP 23/16
(Cr. No. 386/2015 of Mukkom Police Station)

Petitioners/Accused	:	Ajith@ Ajith Kumar, Aged 31 Years, S/o Sankaran, Punathil House, Kanniparamba (PO) Ayamkulam, Mavoor, Residing at Cholakunnummal House, Manassery(PO), Kozhikode (Rep. by Adv. Kumaran Chalapurath)
Counter petitioner/Complainant	:	State represented by the Sub Inspector of Police, Mukkom Police Station, in Cr. No. 386/2015. (By Sri. Jinath Kunnath, APP., Grade I)
Section of law	:	U/s. 112 of BNS.
Order	:	Bail application is dismissed
Proceedings	:	U/s. 480 B.N.S.S., 2023

This petition having been finally heard on 01-04-2026 and on 04/04/2026, the court delivered the following :

ORDER

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 Cr. No. 386/2015 of Mukkom Police Station.

2. **The prosecution case, in brief, is as follows** :- The Prosecution allegation is that the accused committed 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 Shive Temple, Kozhikode. The petitioner is there by 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 Sub Inspector of Police, Mukkom Police Station filed report objecting the grant of bail.

5. Heard both sides and perused the 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 records reveal that the matter was earlier remanded by the Hon'ble High Court of Kerala for conducting an inquiry under Section 328 of the Code of Criminal Procedure. Pursuant to the said direction, this Court initiated inquiry proceedings to ascertain the mental condition and fitness of the accused to stand trial.

8. It is pertinent to note that an earlier bail application filed by the accused was dismissed. Thereafter, the accused approached the High Court of Kerala again seeking bail, and as per order in Bail Application No. 14450/2025, this Court was directed to complete the inquiry within a period of one month and to consider the bail application thereafter.

9. However, the inquiry could not be completed within the stipulated time. The materials on record disclose that the delay was primarily due to the non-cooperation of the accused in undergoing the medical examinations as suggested by the doctor. Subsequently, a report regarding the physical fitness of the accused was filed. Finding the deficiency in the said report, this Court sought a further report from the Civil Surgeon specifically regarding the mental fitness of the accused.

10. In compliance with the same, a report has been submitted stating that the accused is not mentally fit to face trial and requires custodial care with inpatient treatment. Thus, the crucial question as to whether the accused can be treated as an outpatient or requires inpatient care is yet to be conclusively determined in the pending inquiry under Section 328 Cr.P.C.

11. It is also relevant that in Crl. Appeal No. 1242/2019, the High Court of Kerala has not granted bail to the accused and has instead directed this Court to take a decision regarding his release under Section 330 Cr.P.C., depending upon the outcome of the inquiry.

12. Though the period of one month stipulated by the High Court of Kerala has elapsed, this Court has already sought extension of time for completing the inquiry proceedings. The direction of the Hon'ble High Court is explicit that the bail application is to be considered only after completion of the inquiry.

13. At this stage, the inquiry remains incomplete and this Court has not arrived at a definite finding regarding the mental condition of the accused or the nature of treatment required. The available medical report indicates the necessity of inpatient care and custodial supervision. In such circumstances, releasing the accused on bail at this juncture would be premature and contrary to the directions of the Hon'ble High Court.

14. Therefore, this Court is of the considered view that the accused is not entitled to be released on bail at this stage.

In the result, this petition is dismissed.

(Pronounced by me on this the 4th day of April, 2026)

Sd/-

Judicial First Class Magistrate-II,
Thamarassery.

/True Copy/

Judicial First Class Magistrate-II,
Thamarassery.