

IN THE COURT OF THE SESSIONS JUDGE,
THIRUVANANTHAPURAM

PRESENT : SMT. NAZEERA.S, SESSIONS JUDGE

Thursday, the 19th day of March, 2026/ 28th day of Phalguna, 1947

Crl.M.P.No. 1/2026

in S.C.No. 1538/2025

(Crime No. 263/2025 of Pangode Police Station)

Petitioner/Accused :-

Afan, aged 23 years, S/o Abdul Raheem
Salmas Veedu, Perumala,
Pullambara Village, Thiruvananthapuram District

***By Advocates:- Sajju .V, Ajmal .A, Abhishek.S
and Rajeev K. Raj***

Counter Petitioner/Respondent:-

State of Kerala represented by Station House Officer,
Pangode Police Station

By Addl. Public Prosecutor R. Praveen Kumar

This petition came up for hearing on 16/03/2026 and the court on 19/03/2026 passed the following :

ORDER

This is a petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, seeking regular bail.

2. The petitioner is the sole accused in S.C.No. 1538/2025 (Crime No. 263/2025 of Pangode Police Station), where he is alleged to have committed the offences punishable under Sections 332(a), 103(1) and 311 of the Bharatiya Nyaya Sanhita, 2023.

3. *The prosecution case in brief is as follows:-* At a time in between 12.56 p.m. and 01.03 p.m. on 24.02.2025, the accused trespassed into the residence of his grandmother and thereafter, by using a hammer, repeatedly hit her on her head causing serious injuries, and murdered her, and robbed a gold

chain worn by her. Thereafter, the accused reached Federal Bank CDM Counter at Kallara in a motorcycle, and transferred an amount of Rs.41,000/- to the borrowers through online and other ways, and then pledged the gold chain in a finance institution at Venjaramoodu.

4. Reportedly, petitioner / accused was arrested on 27.02.2025 and remanded on the same day.

5. Notice in this petition is issued to the Public Prosecutor. The Investigating Officer filed report through Public Prosecutor opposing the bail application.

6. Heard. Perused the records.

7. The only point to be considered is, whether regular bail can be granted to the petitioner/ accused.

8. **The Point:-** The petitioner / accused is alleged to have committed murder of his grandmother. It is also alleged that, on the very same day, the petitioner had committed murder of his girl friend, his brother and two of his relatives and attempted to commit murder of his mother and in connection therewith, two other crimes are also registered as against the petitioner.

9. As per the report submitted by the Investigating Officer in Crime No. 346/2025 of Venjaramoodu Police Station, after committing a series of murder, the petitioner appeared before the Venjaramoodu Police Station on 24.02.2025 at 18:15 hours and stated that he had committed murder of his mother, brother and friend and that he had consumed poison and produced a cover of rat poison and then the police sent the petitioner in an ambulance to Medical College Hospital and on the way to hospital, he also disclosed the other crimes committed by him. As per the report, on getting information of the crime, the police reached the scene of occurrence and made sure the situation

and then registered Crime Nos. 345/2025 and 346/2025 of Venjaramoodu Police Stations and Crime No. 263/2025 of Pangode Police Station. The main contention of the petitioner in coming up with this bail application is that even when the petitioner remained under custody from 24.02.2025 onwards, he was not produced before the Magistrate within 24 hours therefrom. The main argument advanced by the counsel for the petitioner is that the petitioner is entitled to get bail as he is not produced before the Magistrate within 24 hours.

10. A perusal of the records would go to show that the petitioner is the accused in three cases, i.e., Crime No. 263/2025 of Pangode Police Station and Crime Nos. 345/2025 and 346/2025 of Venjaramoodu Police Station. It is stated that, after commission of the alleged offence, the petitioner had surrendered before the Venjaramoodu Police Station. However, the first crime registered is Crime No. 263/2025 of Pangode Police Station, under Section 194 of the Bharatiya Nagarik Suraksha Sanhita. As per the report, Crime No. 263/2025 of Pangode Police Station is registered on the basis of the information given by the defacto complainant before the Police Station on 24.02.2025 at 20:39 hours. In the report filed by the Investigating Officer, it is stated that, after registration of the crime, on 25.02.2025, the dead body of the deceased was examined and statement of witnesses were taken and digital evidence were collected and got information that the petitioner / accused had committed murder of his grandmother. Further it is stated that, the Pangode Police got the information that, after the commission of the offence, the petitioner had consumed rat poison and was undergoing treatment in the Medical College Hospital, Thiruvananthapuram, and thereafter, with the permission of the Medical Officer holding charge of the Medical Pay Ward questioned the petitioner and on the basis of his statement, arrested the petitioner on 27.02.2025 at 10:45 hours from the Medical Pay Ward. Reportedly, on

27.02.2025 at 17:15 hours, the Judicial First Class Magistrate-II, Nedumangadu, on reaching Room No. 32 of Medical Pay Ward of Thiruvananthapuram Medical College, remanded the accused to judicial custody. However, in view of further treatment, the petitioner / accused was accommodated in the Cell Room of the Hospital, as reported. So the arrest of the petitioner / accused was initially effected in Crime No. 263/2025 of Pangode Police Station. Considering the date of arrest on 27.02.2025 at 17:15 hours, it is seen that the petitioner / accused was produced before the Magistrate within 24 hours. However, the contention of the petitioners' counsel is that the petitioner was in custody since 24.02.2025 and his arrest was recorded only on 27.02.2025 and if that be so, the legal formalities regarding the production of the petitioner before the Magistrate within 24 hours is not complied.

11. The learned counsel for the petitioner vehemently argued that effective custody of the petitioner is from 24.02.2025 as he had surrendered before the Venjaramoodu Police Station on 24.02.2025 at 18:15 hours. However, the learned Public Prosecutor submitted that when the petitioner, after consuming liquor, deposed that he had consumed rat poison and committed grave crimes, the primary concern was to save the life of the petitioner and so he was shifted to hospital in an ambulance. As per the report, the petitioner was subjected to medical emergency and was on treatment from 24.02.2025 onwards in the Intensive Care Unit of Medical College Hospital, Thiruvananthapuram. According to the Public Prosecutor, the petitioner was not in police custody and his arrest is not possible to be effected on a mere statement given by the petitioner. It is further submitted that, arrest can be effected only after collecting necessary prima facie evidence, which is done after visiting the crime scene and analyzing the available evidence. As per the report submitted by the Investigating Officer in Crime No. 345/2025 of

Venjaramoodu Police Station, the arrest of the accused was recorded on 03.03.2025 at 11:30 hours and that the arrest of the accused in Crime No. 346/2025 of Venajramoodu Police Station was effected on 03.03.2025 at 16:30 hours at Thiruvananthapuram Medical College Cell. It appears that, after effecting the initial arrest of the accused in Crime No. 263/2025 of Pangode Police Station, the formal arrest of the accused was effected in Crime Nos. 345/2025 and 346/2025 from the Medical College Hospital Hospital Cell. So originally the accused was arrested in Crime No. 263/2025 on 27.02.2025 at 10:45 hours and he was remanded on the same day at 17:15 hours. Apparently, the petitioner was undergoing treatment and that cannot be considered as custody of the Investigating Officer. Further, it is relevant to note that this is a case where the petitioner had surrendered himself before the Venjaramoodu Police Station. So necessarily, there is no question of the police taking into custody of the petitioner and keeping under surveillance. It is clear from the report that immediately on getting information of the alleged crime and the consumption of rat poison by the petitioner, he was taken to hospital and admitted there. "The arrest" is a matter of discretion of the Investigating Officer. As rightly put in by the Investigating Officer, only when prima facie material is obtained regarding the commission of a cognizable offence, the Investigating Officer need to proceed for the arrest of the accused. It is seen from the report that after registration of the case in Crime No. 263/2025, the Investigating Officer had collected evidence and on getting information regarding the commission of offence in the crime pending before the Venjaramoodu Police Station, he had gone to Medical College Hospital and with the consent of the Medical Officer recorded the statement of the accused and then proceeded to arrest the petitioner/accused. So there is no infirmity in the procedure adopted by the Investigating Officer in this case. Apparently,

immediately after recording arrest, the petitioner was produced before the Magistrate. So there is no illegality on that ground also.

12. In the bail application, several other facts are stated related to the merits of the case. The magnitude of the offence alleged is grave. On completion of investigation, charge sheet is filed against the accused in all the three cases registered against the accused, and all the cases are taken on file and it is pending for hearing on charge. In the meanwhile, the petitioner has come up with this bail application stating that the prosecution story is not reliable and that the investigation is not proper. These are all matters to be considered on merits. The only point necessary to be considered at this stage is whether further detention of the accused is necessary during trial. At this juncture, three points are necessary to be considered:- (1) The gravity of the offence (2) the mental status of the petitioner, and (3) his family and social background.

13. It goes without saying that the offence alleged is grave and the manner of commission of the alleged offence is brutal. As per the prosecution allegation, the petitioner has committed a series of murder in a single day and has attempted to cause murder of his mother. It is seen that the police had collected evidence as against the petitioner / accused, including CCTV visuals and recovery of weapon and other material objects in connection with the commission of offence. It is relevant to note here that, reportedly, the petitioner / accused was mentally derailed after the alleged commission of offence and he was undergoing treatment for mental illness as well. Reportedly, he was not mentally stable and had attempted for commission of suicide on several occasions. The mental status of the petitioner / accused being so vulnerable, it appears that it is most inappropriate to enlarge the petitioner on bail at this point of time. The chance of the petitioner / accused repeating similar offence cannot be ruled out. The possibility of absconding also cannot be ruled out. Thirdly,

the family background of the petitioner is also a point for concern. The mother of the petitioner who had survived the attack of the petitioner and his father who was working abroad at the time of the alleged incident are the persons in the family. Apparently, they are all victims of the brutal act committed by the petitioner which has taken away the life of five persons in the family. In such a background, releasing the petitioner at this point of time may cause family disturbance as well. Considering all these aspects, it appears that the petitioner / accused cannot be enlarged on bail at this point of time.

In the result, this petition is dismissed.

*Dictated to the Confidential Assistant, transcribed and typed by him, corrected and pronounced by me
in Open Court on this the 19th day of March, 2026*

(Copies : 4)
Typed by: Soumya
Compared by: Manjusha

//True Copy//

FCS :

Sd/-
NAZEERA S.
SESSIONS JUDGE
(By Order)

SHERISTADAR

Copy of Order in
Crl.M.P.No. 1/2026
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Dated :19/03/2026