IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

TUESDAY, THE 24TH DAY OF FEBRUARY 2026 / 5TH PHALGUNA, 1947

BAIL APPL. NO. 1012 OF 2026

CRIME NO.2/2026 OF VACB, PATHANAMTHITTA, Pathanamthitta

PETITIONER/ACCUSED:

JITHUSOORAJ S.K.,
AGED 28 YEARS
S/O.SURESH R.C., JITHU BHAVAN ULIYANADU,
KARAMCODE P.O., CHATHANNOOR, KOLLAM DISTRICT, PIN - 691579

BY ADV.SRI.SIBI THOMAS JACOB

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

BY SPL.PUBLIC PROSECUTOR SRI.A.RAJESH
SR.PUBLIC PROSECUTOR SMT.REKHA.S

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24.02.2026, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 24th day of February, 2026

This is an application for anticipatory bail filed by the petitioner, who is accused No.31 in Crime No.VC 02/2026 of the Vigilance and Anti-Corruption Bureau, Pathanamthitta.

2. Heard the learned counsel for the petitioner as well as the learned Special Public Prosecutor appearing for the Vigilance and Anti-Corruption Bureau.

3. Here, the prosecution alleges commission of offences punishable under Sections 316(5), 314, 61(2), 3(5) and 344 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS' hereinafter) as well as under Sections 13(1)(a) r/w 13(2) of the Prevention of Corruption (Amendment) Act, 2018 (for short, 'the PC (Amendment) Act, 2018' hereinafter), by the accused.

4. In the present case, the FIR was registered pursuant to the directions issued by the Division Bench of this Court in SSCR No.03/2026, dated 13.01.2026, acting on a report submitted by the Sabarimala Special Commissioner, which

detected blatant acts of criminal misappropriation of the proceeds of 'Adiya Sishtam Ghee'. Upon finding merit in the report, the Division Bench issued the following directions as recorded in paragraph No.20 of the order. The same reads as follows:

> *"20. The following directions are accordingly issued:*
>
> *a) The Chief Vigilance and Security Officer shall forthwith forward the complaint dated 10.01.2026 to the Director, Vigilance & Anti-Corruption Bureau.*
>
> *b) The Additional 7th respondent shall constitute a team of upright and competent officers and shall initiate steps to register a crime on the strength of the report dated 10.01.2026 submitted by the Chief Vigilance and Security Officer. The team so constituted shall conduct a meticulous, coordinated, and effective investigation into the matters referred to above and those disclosed in the said report. It is made clear that the team shall not disclose any details of the investigation to the public or the media.*
>
> *c) The investigating team shall file a report before this Court within a period of one month from today, indicating the progress of the*

investigation.

d) In view of the law laid down by this Court in ***Jayaprakash v. State of Kerala, Venugopal V. and Others v. State of Kerala, Yakoob Purayil v. State of Kerala*** *and in view of the nature of allegations, prior approval under Section 17A of the Prevention of Corruption Act, 1988 is not required in the present case.*

e) The team so constituted shall be answerable only to this Court, and before filing the final report, prior permission of this Court shall be obtained."

5. In paragraph Nos.4 to 12 of the report submitted by the Investigating Officer, the allegations against the accused have been specifically dealt and the same are as under:

> *"4. SSCR No.3/2026 was initiated by this Hon'ble Court suo motu following a report submitted by the Devaswom Special Commissioner, which incorporated the findings of Report No.SP/SB/210/26/TDB/VIG dated 10.01.2026 from the Chief Vigilance and Security Officer (CVSO) of the Travancore Devaswom Board. The inspection conducted by the CVSO revealed a deficit of 13,679 packets of 'Aadiya Shishttam Neyyu' (ghee), each valued at ₹100/- at the Maramath counter at*

Sannidhanam, amounting to ₹13,67,900/-, which had not been remitted to the Devaswom account. Further discrepancies were noted during the Mandala-Makaravilakku season (17.11.2025 to 27.12.2025), wherein a shortage of 22,565 packets, valued at ₹22,56,500/-, was detected at the office of the Temple Special Officer (TSO). Specific allegations were also raised against Sunil Kumar K.R. @ Sunil Kumar Potti (Accused No. 13), an employee of the Devaswom Board, for failing to issue receipts and for temporarily misappropriating an amount of ₹68,200/- for a period of 17 days.

5. It is submitted that, by way of an interim order dated 13.01.2026 in the aforementioned SSCR, this Hon'ble Court impleaded the Director, Vigilance & Anti-Corruption Bureau (VACB) as the additional 7th respondent in the SSCR. This Honble Court further directed a comprehensive investigation to ascertain the full extent of financial irregularities in relation to the sale of 'Aadiya Shishttam Neyyu' at Sannidhanam. In obedience to the said direction, the Director, VACB, vide Order No. C1-773/2026/DVACB dated 14.01.2026, constituted a Special Investigation Team (SIT) headed by the Deputy Superintendent of Police, VACB, Pathanamthitta Unit, under the supervision of the Superintendent of Police, VACB, Southern Range.

6. Accordingly, Vigilance Case No.

VC-02/2026/PTA was registered on 14.01.2026 for the aforementioned offences. The First Information Report (FIR) was registered against 33 accused persons, including three Temple Special Officers (Accused Nos. 1 to 3) and thirty 'Shanthis,' who were employed as counter staff (Accused Nos. 4 to 33).

7. It is submitted that the investigation in VC-02/2026/PTA pertains to systemic irregularities during the Sabarimala Mandala-Makaravilakku Mahotsavam of 2025-26. Accused Nos. 1 to 3 were deputed as Temple Special Officers during various phases of duty at Sannidhanam. Temple Special Officers are staff of the Devaswom Board deputed at Sannidhanam for controlling and supervising the sale of 'prasadams,' including ghee packets, through the counters. Accused Nos. 4 to 33 were tasked with the sale of 'Adiya Shishttam Neyyu' (ghee) packets through the Maramath-ll counter (Maramath Aadiya Shishttam Neyyu counter). As per the report of the Chief Vigilance and Security Officer, out of 89,300 packets issued to the Maramath-ll counter, and after accounting for damaged stock and closing balances, the accused were liable to remit the sale proceeds for 89,129 packets. However, the accused remitted only ₹75,45,000/- (corresponding to 75,450 packets), thereby misappropriating an amount of ₹13,67,900/- (Rupees Thirteen Lakh Sixty-Seven Thousand and Nine Hundred only).

8. It is further submitted that, as per the report of the Chief Vigilance and Security Officer (CVSO), the stock at the Temple Special Office ought to have been 28,550 packets as on 02.01.2026. However, physical verification revealed only 5,985 packets, thereby confirming a shortage of 22,565 packets. This shortfall is attributable to gross irregularities and failure in supervisory duties on the part of Accused Nos. 1 to 3 (Temple Special Officers), resulting in a financial loss of ₹22,56,500/- (Rupees Twenty-Two Lakh Fifty-Six Thousand and Five Hundred only) to the Travancore Devaswom Board.

9. It is submitted that Sunil Kumar K.R. @ Sunil Kumar Potti (Accused No.13) specifically misappropriated an amount of ₹68,200/- from the sale proceeds of ghee, retained the said funds for a period of 17 days, and remitted the amount only after the discrepancies were unearthed by the State Audit Department.

10. It is submitted that, in aggregate, the accused persons have secured an unlawful pecuniary gain of ₹36,24,400/- (Rupees Thirty-Six Lakh Twenty-Four Thousand and Four Hundred only), thereby causing a corresponding wrongful financial loss to the Travancore Devaswom Board.

11. It is submitted that the investigation, through examination of seized documents, has established that the accounts relating to the *distribution of ghee packets were not properly maintained at the Temple Special Office. The investigation has further revealed that the Travancore Devaswom Board had not issued any specific orders delineating the duties and responsibilities of the Devaswom staff detailed for counter duty, thereby creating a convenient vacuum of accountability which appears to have been exploited by the accused persons, including the petitioner/Accused No. 31.*

12. It is submitted that the petitioner (Accused No. 31) had worked at the Padinjarenada Aadiya Shishttam Counter during November 2025 and thereafter, from 21.12.2025 to 30.12.2025, at the Maramath-ll Counter (Maramath Aadiya Shishttam Neyyu Counter). In view of his active duty at the relevant counters during the period when substantial financial discrepancies were detected, his role in the misappropriation cannot be ruled out at this stage of the investigation. The accused persons are collectively responsible for the aforesaid misappropriation; however, the individual liability of the petitioner can be determined only upon a detailed assessment."

6. It is submitted by the learned counsel for the petitioner that the petitioner, who got arrayed as accused No.31, is a person aged 28 years and he got appointment as a Part-Time

Santhi for the first time. According to the learned counsel, since there was rush in the counters, it was difficult for the petitioner to check and verify the tickets issued for the purpose of supply of 'Adiya Sishtam Ghee'. The learned counsel would also submit that there is no specific allegation against the petitioner otherwise for the prosecution. In view of the matter, the petitioner is entitled to anticipatory bail and he is ready to offer himself for the purpose of investigation as a pre-requisite for granting anticipatory bail.

7. The learned Special Public Prosecutor strongly opposed the grant of anticipatory bail to the petitioner and submitted that there is specific allegation against the petitioner and the contention raised by the learned counsel for the petitioner that there is no specific allegation against the petitioner, is absolutely unsustainable.

8. In paragraph No.13 of the report filed by the Investigating Officer, the reasons for opposing the bail application of the petitioner herein are stated as under:

> *"13. Reasons for opposing the bail application are as follows:*
>
> *a. It is submitted that the petitioner*

herein is arrayed as accused no. 31 in VC-02/2026/PTA, registered under Section 13(2) read with Section 13(1)(a) of the Prevention of Corruption Act, 1988, as amended by the Prevention of Corruption Amendment Act, 2018, and under Sections 316(5), 314, 61(2), 3(5), 344, and 318(4) of the Bharatiya Nyaya Sanhita (BNS), as per the directions of this Hon'ble Court in SSCR No. 3/2026.

b. *It is submitted that the petitioner herein is a public servant working as a PT Santhi at Kappil Temple, Sreekandasastha Devaswom, Varkala Sub Group, under the Travancore Devaswom Board. The petitioner was deputed to Sabarimala during the Mandala— Makaravilakku Season 2025-26 and was entrusted with the duty of selling 'Aadiya Shishttam Neyyu' (ghee) at the Maramath-ll Counter (Maramath Aadiya Shishttam Neyyu Counter) during the period from 21.12.2025 to 30.12.2025.*

c. *It is submitted that a misappropriation of ₹13,67,900/- occurred during the period from 17.11.2025 to 27.12.2025 in connection with the sale of Aadiya Shishtam Neyyu (ghee) packets at Maramath-ll counter*

(Maramath Aadiya Shishttam Neyyu counter). The counter duty staff entrusted with the sale of the said ghee packets were responsible for remitting the sale proceeds corresponding to the number of packets issued to them.

d. *It is submitted that during the period from 24.11.2025 to 30.11.2025, the petitioner was assigned duty at the Padinjarenada Counter. He received 3,000 ghee issue tickets, out of which he sold 1,919 tickets and remitted a total amount of ₹1,91,900/-. Further, during the period from 21.12.2025 to 30.12.2025, the petitioner, along with Accused Nos. 5, 7, 30, 32, and 33, were assigned duty at the Maramath-ll Counter (Maramath Aadiya Shishttam Neyyu Counter). During their shift, a total of 13,250 ghee packets were received, out of which 12,774 packets were sold. The remaining packets were allegedly not handed over to the concerned authorities.*

e. *It is submitted that, at the instance of the Investigating Officer, an audit report was prepared by the Kerala State Audit Team, Pathanamthitta, pertaining to the sale of 'Aadiya Shishttam Neyyu' (ghee) through four counters, namely Maramath-*

Vibhoothi, Maramath-Il, Sopanam, and Padinjarenada, during the period from 17.11.2025 to 31.12.2025, in connection with the Mandala— Makaravilakku Season at Sabarimala.

f. *It is submitted that the audit detected serious financial irregularities in the accounting and handling of ghee packets and the corresponding cash collections. As per the audit report, a total of 3, 58,519 packets were documented as supplied from the Temple Special Office to the four counters during the said period. Out of these, 13,934 packets were accounted for as issued to online booking devotees through the official portal sabarimalaonline.org. Thus, the remaining 3,44,585 packets ought to have been sold for cash at the rate of ₹100 per packet, requiring a total remittance of ₹3,44,58,500/- (Rupees Three Crore Forty-Four Lakh Fifty-Eight Thousand and Five Hundred only).*

g. *It is submitted that, however, the actual amount remitted to the Devaswom bank account was only ₹3,23,19,310/- (Rupees Three Crore Twenty-Three Lakh Nineteen Thousand Three Hundred and Ten only), thereby disclosing a short remittance and* *consequent financial loss to the Travancore Devaswom Board to the tune of ₹21,39,190/- (Rupees Twenty-One Lakh Thirty-Nine Thousand One Hundred and Ninety only) during the period from 17.11.2025 to 31.12.2025.*

h. *It is submitted that the petitioner (Accused No. 31) had worked at the Padinjarenada Aadiya Shishttam Neyyu Counter during November 2025 and thereafter, from 21.12.2025 to 30.12.2025, at the Maramath-ll Counter (Maramath Aadiya Shishttam Neyyu Counter). In view of his active duty at the relevant counters during the period when substantial financial discrepancies were detected, his role in the misappropriation cannot be ruled out at this stage of the investigation. The accused persons are collectively responsible for the aforesaid misappropriation; however, the individual liability of the petitioner can be determined only upon a detailed assessment of the following aspects:*

- *the actual sale proceeds remitted during his tenure,*
- *the opening and closing stock of ghee packets during the shifts handled by him, and,*
- *the counter-wise reconciliation of stock and*

cash collection.”

9. According to the learned Special Public Prosecutor, in this case, since there is specific allegation against the petitioner that he allegedly misappropriated Rs.1,08,100/- (Rupees One Lakh Eight Thousand One Hundred only) without paying price for 1081 tickets at the rate of Rs.100/- and also the petitioner along with accused Nos.5, 7, 30, 32 and 33, sold 476 packets at the rate of Rs.100/- and misappropriated Rs.47,600/- (Rupees Forty Seven Thousand Six Hundred only), grant of anticipatory bail to the petitioner would definitely impede the investigation.

10. Having analysed the facts and attending circumstances in this case, the contention raised by the learned counsel for the petitioner that the petitioner is innocent could not be found, *prima facie*. But the prosecution records reveal the role of the petitioner in this misappropriation, *prima facie,* as discussed afore. In such a case, arrest, custodial interrogation, recovery of the money misappropriated, and how it was utilised, are absolutely necessary to accomplish eventful prosecution, as submitted by the

learned Special Public Prosecutor.

Therefore, this anticipatory bail application is liable to fail and is accordingly dismissed.

The petitioner is directed to surrender before the Investigating Officer and on failure to do so, the Investigating Officer shall proceed against the petitioner as per law, without fail.

Sd/-
A. BADHARUDEEN
JUDGE

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