

IN THE COURT OF THE ENQUIRY COMMISSIONER AND
SPECIAL JUDGE, KOLLAM.

Present :- Dr. Mohit C. S.

Enquiry Commissioner & Special Judge.

Thursday, the 29th day of January, 2026.

Crl. M. P. No. 342 of 2025

IN

(CRIME NO. 3700/CB/CU-IV/TVM/D/2025, of Crime Branch Police Station,
Thiruvananthapuram)

Petitioner/6th accused : Sri.S Sreekumar,
S/o Sivanpilla, Kailas H
Aged 57 years,
Chembazhanthi, Aniyoor Temple line,
ATLRA C-01,Uliyazhathura Village,
Thiruvananthapuram.

Respondent : State of Kerala, represented by the
Superintendent of Police, Special
Investigation Team
Crime Branch (CU-IV)
Thiruvananthapuram through the
Public Prosecutor(I/C)
Sri. Siju Rajan.

ORDER

This application for regular bail is filed by the 6th accused in the
aforesaid crime invoking Section 483 of the Bharatiya Nagarik Suraksha
Sanhita, 2023 (BNSS 2023).



2. The material averments in the petition for regular bail filed by the 6th accused namely Sri. S. Sreekumar are the following:-

3. The petitioner is the 6th accused in the aforesaid crime registered for offences punishable under Sections 403, 406, 409, 466, 467, 120-B r/w 34 Indian Penal Code and Section 13(1)(a) r/w 13(2) of Prevention of Corruption Act, 1988.

4. The petitioner was arrested by the Vigilance and Anti-Corruption Bureau in connection with the alleged misappropriation of gold from the gold cladded copper coverings of the Dwarapalaka sculptures of the Sree Ayyappa Temple at Sabarimala and the petitioner is presently in judicial custody.

5. The petitioner is a retired employee of the Travancore Devaswom Board, having served as the Administrative Officer of the Sabarimala Devaswom for a brief period from 17/07/2019 to 15/06/2020. The petitioner/6th accused retired from service on 31/03/2024 with a clean record.

6. The petitioner/6th accused is absolutely innocent of all the allegations. His only involvement in the matter was as a witness/signatory to a Mahazar prepared by his superiors and his predecessor. The Administrative Officer, in fact is an authority at the bottom of the hierarchy regarding custody of valuables of the Devaswom and the actual custodians are the Devaswom Commissioner, Thiruvabharanam Commissioner and the Executive Officer.



7. In fact the decision to remove the gold plates for re-plating work was taken before the petitioner joined as Administrative Officer on 17/07/2019. On the second day of his office on 19/07/2019 the petitioner, who is the 6th accused was directed by the Executive Officer to sign the Mahazar as a witness and being a subordinate, he obeyed the lawful orders of his superiors.

8. The petitioner has no personal or professional acquaintance with the prime accused Sri. Unnikrishnan Potti and he has never met him. The petitioner has been in judicial custody since 17/12/2025. The relevant documents and Mahazars are already in the possession of the investigating team. Hence no further recovery or custodial interrogation is necessary from the side of the petitioner

9. The petitioner is 57-years-old and he is a retired official with deep roots in the society and he has no criminal antecedents. There is no risk of him absconding or tampering with the evidence.

10. The decision to entrust the gold cladded coverings to a private party was already finalized by the predecessor of the petitioner Sri. Murari Babu, Accused No. 2 in connivance with the high-ranking officials of the Travancore Devaswom Board. The Mahazar in question was in the handwriting of his predecessor, Sri. Murari Babu. The Petitioner/6th accused did not draft the document, he did not weigh the gold and did not verify the metallurgy. On the second day of service the Petitioner/6th accused was presented with a pre-prepared Mahazar by the Executive Officer of the Devaswom. The petitioner signed in the Mahazar



as a formal witness in obedience to the directions of his superiors. Further the actual custody of valuables and the double-lock keys of the strong room rests with the Assistant Devaswom Commissioner and the Chief Officer and not with the Administrative Officer. Any repair or handling of gold/valuables must be done under the immediate supervision of the Deputy Devaswom Commissioner. The Petitioner/6th accused was, by definition, a “stranger” to these custodial duties.

11. The petitioner had never met or communicated with, or seen the prime accused prior to the media news. There is no call detail record of any financial trail linking the petitioner to the alleged theft or misappropriation.

12. The Petitioner/6th accused was summoned by the Vigilance wing of the Devaswom and the petitioner provided a detailed statement. The vigilance wing was convinced of his innocence and “set him at liberty” recognizing him as a mere “innocent signatory”.

13. The petitioner was transferred to Sabarimala without his request. Upon joining duty on 17/07/2019 the petitioner observed workers already engaged in removing the gold cladded copper coverings. On enquiry, the petitioner was informed by the Executive Officer that the matter was already decided for gold plating. The petitioner merely signed in the document prepared by others under the bona-fide belief that he was fulfilling a routine administrative formality as directed by his superiors.

14. On the basis of the aforesaid grounds the petitioner prayed for his enlargement on bail.



15. The investigating officer heading the special investigating team filed a statement of facts strongly opposing the bail application and the material contentions in the statement of facts are the following.

16. The present crime was registered on the basis of the order of the Hon'ble High Court of Kerala in SCCR 23/2025 dated 06/10/2025 and pursuant to the report of the Chief Vigilance and Security Officer of the Travancore Devaswom Board. The present crime was registered on 11/10/2025 and it pertains to alleged misappropriation of gold from the gold cladded coverings of the Dwarapalaka idols and the side pillars of the Sreekovil of the Sree Ayyappa Temple at Sabarimala.

17. The crux of the allegations is that the petitioner along with the other accused persons in the crime conspired together with common intention to misappropriate gold from the gold cladded copper plates encasing the Dwarapalaka idols and the pillars of the Sreekovil of the Sree Ayyappa Temple at Sabarimala having approximate weight about 2kg under the guise of repairs and re-plating work at the instance of the first accused and on the basis of an application of the first accused filed on 17/06/2019. The accused persons in the crime who are the officials of the Travancore Devaswom Board misdescribed the "gold cladded copper coverings" as mere "copper plates" and initiated proceedings and recommendations leading to the decision of the Board to hand over the gold cladded coverings to the first accused for repairs and re-plating work at Smart Creations, Chennai. Mahazars were prepared on 19/07/2019 and 20/07/2019 by the 3rd accused for the removal and handing over of the



gold cladded Dwarapalaka plates and plates of the pillars to the first accused. In the said Mahazars also the gold cladded plates were purposefully and deliberately misdescribed as “copper plates”. The petitioner, the 6th accused and the 5th accused in the crime had attested the Mahazars. Thereafter the artefacts were taken to Smart Creations, Chennai from where gold was misappropriated.

18. The petitioner is the 6th accused in the crime and as the Administrative Officer was duty bound to keep all valuables of the Devaswom entrusted to his care and to maintain all registers of valuables properly and up to date under the relevant clause in the Devaswom Board Manual Volume I Chapter XV, 10 (b)(4). In fact the duties and responsibilities of the Administrative Officer are mentioned in the Devaswom Board Manual Volume I Chapter XV 10 (b). Further under the clause in Volume I Chapter XV Section 14 (e)(9) it is the duty of the Administrative Officer to check all sorts of waste, misappropriation and malpractices in the institution and in the Devaswom Board. The Administrative Officer is the custodian of valuables of the Devaswom under the Clause in Chapter 15 section 14 (E) (17).

19. The petitioner hence should have corrected the mistake in the Mahazar which had falsely described the sacred artefacts as “ചെമ്പ് തകിടുകൾ”,. The petitioner being a responsible Devaswom official and a public servant should have taken sufficient measures to prevent the priceless artefacts from falling into the hands of the first accused, a private third party. The petitioner/6th accused by signing on the false Mahazar



facilitated and aided the movement of the sacred artefacts out of the Devaswom premises which eventually led to the misappropriation of gold from the gold cladded plates at Smart Creations, Chennai. The petitioner colluded and connived with the 3rd accused in the crime and he paved the way for misappropriation of gold by the first accused. The contention of the petitioner/6th accused that he had acted upon the directions of his superior officers and merely signed the mahazar without any knowledge of prior proceedings is absolutely baseless, unjustified and meritless.

20. The petitioner/6th accused took charge as Administrative Officer at Sabarimala on 17/07/2019 from the 2nd accused Sri. Murari Babu. Thereafter on 19/07/2019 the 3rd accused, Sri. Sudheesh Kumar, the Executive Officer of Sabarimala prepared a Mahazar for handing over the 12 pieces of Dwarapalaka plates to the first accused for repair work and gold plating works and in the said mahazar the artefacts were misdescribed as “ചെമ്പ് തകിടുകൾ”. The petitioner/6th accused was the senior official of the Travancore Devaswom Board who had clear knowledge about the content of the plates, and had signed in the Mahazar . Further on the next day on 20/07/2019 the petitioner signed on the second Mahazar prepared in a similar manner to hand over the side plates to the first accused and there also the petitioner had signed as a witness.

21. On 11/09/2019 also a Mahazar was prepared at the time of re-fixing of the artefacts and the Mahazars were prepared in the presence of the first accused. Hence the contention that the petitioner is not aware of the first accused who was a regular visitor at the Sabarimala is false.



22. The investigation in this case is in progress and the entire misappropriated gold has not been recovered so far. Hence if the petitioner is enlarged on bail there is every possibility of the petitioner influencing the witnesses and causing destruction/disappearance of evidence. Further the case relates to the misappropriation of gold from the famous Sree Sabarimala temple involving the religious sentiments of the lakhs and lakhs of Lord Ayyappa devotees.

23. On the basis of the aforesaid contentions the investigating officer prayed for dismissal of the bail application.

24. The short point to be adjudicated from the above is as follows: -

25. Whether the petitioner/6th accused is entitled to be enlarged on bail at this stage of the investigation?

26. **The Point:-** This application for regular bail is filed by the petitioner Sri. S Sreekumar who is the 6th accused in the present crime and who admittedly was the Administrative Officer of the Sree Ayyappa Temple at Sabarimala under the Travancore Devaswom Board from 17/07/2019 to 15/06/2020. The crux of the allegation of the Investigation Agency (SIT) against the present petitioner who is the 6th accused in this crime is that the petitioner had signed on two Mahazars as an attesting witness on 19/07/2019 and 20/07/2019 relating to the handing over of the gold cladded copper plates covering the two Dwarapalaka Sculptures of the Sreekovil and the corner pillars of the Sreekovil to the first accused in the crime purportedly for repairs and re-plating work at Smart Creations, Chennai. It is the definite case of the Investigating Agency that



the petitioner/6th accused was fully aware about the fact that the sacred artefacts mentioned in the two Mahazars of 19/07/2019 and 20/07/2019 were in fact cladded with gold and that the petitioner/6th accused hence illegally conspired and connived with the other accused persons in the crime for facilitating the illegal entrustment to and transportation of the sacred artefacts by the first accused for eventual misappropriation at Smart Creations, Chennai.

27. It is the case of the Investigating Agency that the petitioner/6th accused along with the other accused persons in the crime including the 2nd accused Sri. Murari Babu, the predecessor in office of the petitioner and the 3rd accused Sri. Sudheesh Kumar, the Executive officer of Sabarimala conspired together to facilitate the illegal entrustment and transportation of the sacred gold cladded artefacts illegally out of the temple premises to Chennai for eventual misappropriation at the instance of the first accused Sri. Unnikrishnan potti.

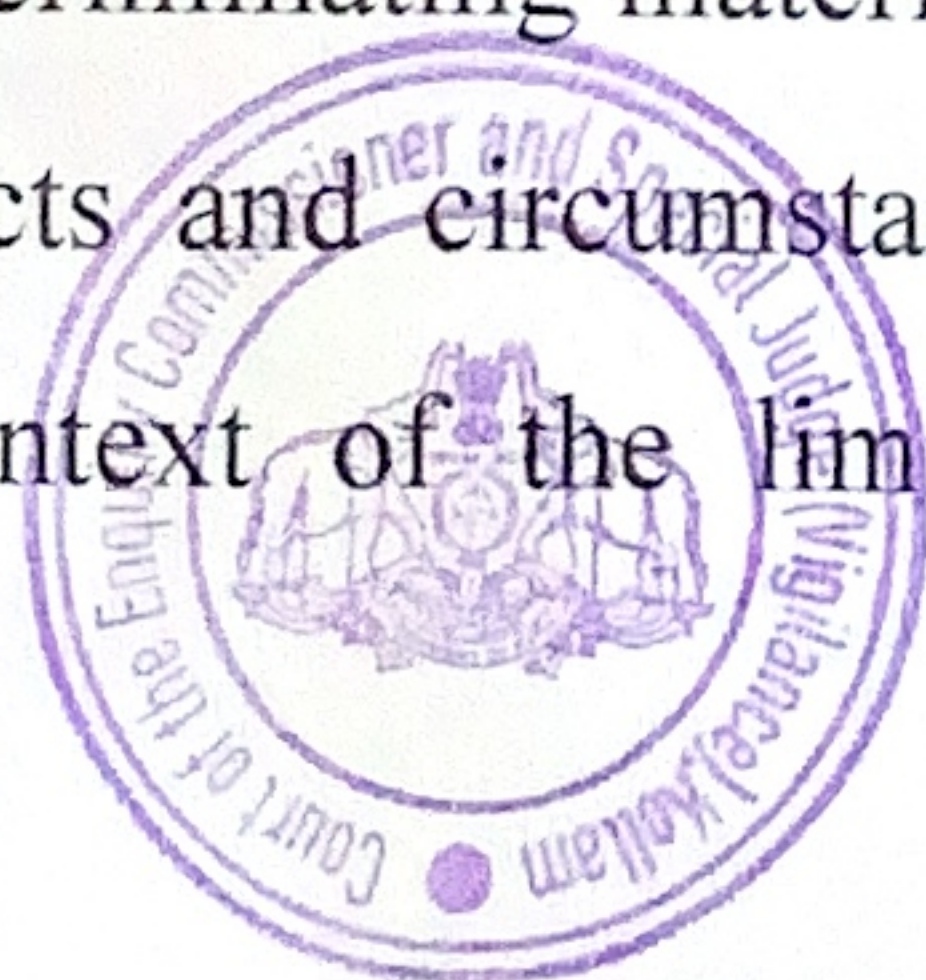
28. It is the case of the Investigating Agency that the petitioner/6th accused had attested the two Mahazars on 19/07/2019 and 20/07/2019 as an attesting witness with full knowledge of the falsity of the contents. It is the rival case of the petitioner/6th accused that he is absolutely innocent of the matter since he took charge at Sabarimala only on 17/07/2019 and since he signed on the mahazar on the second day of office as per the instructions of his superior officer ie the Executive Officer, the third accused and as a formal witness. The petitioner/6th accused has highlighted the fact that the decision to entrust the artefacts to the first



accused was taken much earlier prior to his taking charge of his office, that the mahazar was prepared much earlier by the third accused and that he had merely signed on the "pre-prepared" mahazar and that too without any knowledge of facts on the second day of his office at Sabarimala and as instructed by the third accused, the Executive Officer, his superior.

29. In sum it is the case of the petitioner/6th accused that he has had nothing to do either with the decision of the Travancore Devaswom Board to entrust the sacred artefacts mentioned above to the first accused Sri. Unnikrishnan Potti or with respect to the preparation of the two Mahazars on 19/07/2019 and 20/07/2019. It is his case that he had merely signed in the "pre-prepared" Mahazars aforesaid merely as an attesting witness and that too on the basis of the direction of the third accused, his superior officer.

30. Significantly a perusal of the crime records will reveal the fact that the accused was arrested on 17/12/2025. The investigating agency had sought for police custody of the accused and police custody was granted for one day on 20/01/2026. The investigating agency has also collected the sample writings and sample signature of the petitioner/6th accused vide order No CrI.M.P 3/2026. That being so considering the admitted limited role of the petitioner in the aforesaid crime and the fact that the Investigating Agency has not been able to produce any further incriminating materials against the petitioner and further considering the facts and circumstances of the case mentioned above in detail in the context of the limited role of the petitioner in the entire diabolic



transaction the case of the petitioner/6th accused has to be differentiated and distinguished from the allegations against the other accused in the crime. It is evident prima facie that the petitioner/6th accused who took charge admittedly just two days prior to the signing on the Mahazar on 19/07/2019 and too in a pre-prepared Mahazar which admittedly was not prepared by him or initiated by him has no direct complicity in the alleged crime. No incriminating materials are produced to establish prima facie the involvement of the petitioner in the conspiracy or the offences alleged. Besides the petitioner/6th accused retired from service of the Board in March 2024.

31. The law regarding the granting of bail in the case of non-bailable offences is by now trite. Our Hon'ble High Court in the recent ruling reported in **Nassar v. Union of India 2025 KHC 410** reiterated the well settled principles that govern the granting of bail in the case of non bailable offences. Accordingly they are:-

- i) Whether there is any prima facie reason to believe that the accused has committed the offences alleged.
- ii) Nature and gravity of the charges.
- iii) Severity of the punishment in the event of conviction.
- iv) Danger of the accused absconding or fleeing if released on bail.
- v) Character, behavior, means, position and standing of the accused.
- vi) Likelihood of the offences being repeated.



vii) Reasonable apprehension of the witnesses being tampered with.

viii) Danger of justice being thwarted by the grant of bail.

Our Hon'ble High Court had relied on the dictum of the Hon'ble Apex Court reported in **State of UP V. Amarmani Tripathi (2005)8SCC21**. These propositions of law regarding granting of bail were also reiterated by the Hon'ble Apex court in the ruling reported in **Prasanta Kumar Sarkar v. Ashis Chatterjee and another (2010) 14SCC496**. Applying the aforesaid well settled principles of law to the facts and circumstances of the present case the 6th accused can be enlarged on bail at this stage of the investigation.

32. Further our Hon'ble High Court in the ruling reported in **Chandrasekharan v. State of Kerala 2024KHC1585** dealt with the granting of bail in serious offences. It was held that there is no hard and fast rule regarding granting or refusing of bail and that each case has to be considered on the basis of the relevant facts of each case. Our Hon'ble High Court held that in serious offences the court should not lightly entertain the bail application when there is a prima facie case. It was held that if the offence complained of is of such a nature as to shake

confidence of the public, bail should not be granted. The Hon'ble Court held that though bail is the rule and the jail is the exception, the accused involved in offences which are grave, serious and heinous fall within the exemption. That being so considering the entire facts and



circumstances of the case relating to the petitioner/6th accused this point is answered in favour of the petitioner.

34. In the result the petition for regular bail is allowed on the following terms :-

1. The accused No.6 shall execute a bond with two solvent sureties each for like sum for an amount of Rs. 1,00,000/-
2. The accused No.6 shall surrender his passport before this Court if not done so far. In the event of the accused No.6 not having a valid Indian passport he shall file an affidavit to that effect within 7 days.
3. The accused No.6 shall not leave the State of Kerala without the permission of this Court.
4. The accused No.6 shall not enter Pathanamthitta District without the permission of this Court.
5. The accused No.6 shall not intimidate or influence the witnesses or threaten the witnesses in the case in any manner.
6. The accused No.6 shall not commit any offence similar or otherwise while on bail.
7. The accused No.6 shall fully co-operate with the investigation and he shall appear before the Investigating Officer at Crime Branch Office, Thiruvananthapuram on every Tuesday and Saturday between 10 am and 1 pm without fail and until further orders.



8. The accused No.6 shall not do any act that will adversely affect the ongoing investigation by the SIT including tampering with the evidence, destroying evidence and concealing evidence.
9. The accused No.6 shall not directly or indirectly made any inducement, threat or promise to any person acquainted with the facts of the crime so as dissuade him from disclosing facts to the investigating agency.
10. The accused No.6 shall not interact with the 4th estate/media or press in any manner touching upon the facts and circumstances of the crime under investigation until further orders.

Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this 29th day of January, 2026.



Sd/-
Enquiry Commissioner and Special Judge,
Kollam

// True copy
By Order

[Handwritten signature]
Manager