



2026:KER:41186

CRL.MC NOS. 2455 OF 2026 & 1

2717 OF 2026

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

TUESDAY, THE 9TH DAY OF JUNE 2026 / 19TH JYAISHTA, 1948

CRL.MC NO. 2455 OF 2026

CRIME NO.3700/2025 OF CRIME BRANCH,

THIRUVANANTHAPURAM, Thiruvananthapuram

CRMP NO.84 OF 2026 DATED 18.02.2026 OF ENQUIRY

COMMISSIONER AND SPECIAL JUDGE (VIGILANCE), KOLLAM

PETITIONER/RESPONDENT/COMPLAINANT:

STATE OF KERALA

REPRESENTED BY THE SUPERINTENDENT OF POLICE,
SPECIAL INVESTIGATION TEAM CRIME BRANCH (CU-
IV), THIRUVANANTHAPURAM, THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682031

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

RESPONDENT/PETITIONER/ACCUSED NO.16:

KANDARARU RAJEEVARU @ RAJEEV T

AGED 66 YEARS

S/O.KANDARARU KRISHNARARU, THAZHMON MADOM
MUNDANKKAV DESOM, CHENGANNUR TALUK,
ALAPPUZHA, PIN - 689124

BY ADVS.

SRI.B.RAMAN PILLAI (SR.)

SRI.R.ANIL

SHRI.SUJESH MENON V.B.

SRI.T.ANIL KUMAR

SRI.THOMAS SABU VADAKEKUT

SHRI.MAHESH BHANU S.

SHRI.RESSIL LONAN

SHRI.GEORGE VINCI JOSE

SHRI.ANANTH KRISHNA K.S.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 09.06.2026, ALONG WITH Cr1.MC.2717/2026,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



2026:KER:41186

CRL.MC NOS. 2455 OF 2026 & 2

2717 OF 2026

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

TUESDAY, THE 9TH DAY OF JUNE 2026 / 19TH JYAISHTA, 1948

CRL.MC NO. 2717 OF 2026

CRIME NO.3701/CB/CU-IV/TVPM/D/2025 OF CRIME BRANCH,

THIRUVANANTHAPURAM, Thiruvananthapuram

CRMP NO.17 OF 2026 OF ENQUIRY COMMISSIONER AND

SPECIAL JUDGE (VIGILANCE), KOLLAM

PETITIONER/RESPONDENT:

STATE OF KERALA

REPRESENTED BY THE SUPERINTENDENT OF POLICE
SPECIAL INVESTIGATION TEAM CRIME BRANCH (CU-
IV) THIRUVANANTHAPURAM, THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.,
PIN - 673620

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

RESPONDENT/PETITIONER/ACCUSED NUMBER 16:

KANDARARU RAJEEVARARU @ RAJEEV T
AGED 66 YEARS
S/O.KANDARARU KRISHNARARU THAZHMON MADOM,
MUNDANKKAV DESOM, CHENGANNUR TALUK,
ALAPPUZHA, PIN - 689124

BY ADVS.
SRI.B.RAMAN PILLAI (SR.)
SRI.R.ANIL
SHRI.SUJESH MENON V.B.
SRI.T.ANIL KUMAR
SRI.THOMAS SABU VADAKEKUT



2026:KER:41186

CRL.MC NOS. 2455 OF 2026 & 3

2717 OF 2026

SHRI.MAHESH BHANU S.
SHRI.RESSIL LONAN
SHRI.GEORGE VINCI JOSE
SHRI.ANANTH KRISHNA K.S.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 09.06.2026, ALONG WITH Cr1.MC.2455/2026,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



COMMON ORDER

Dated this the 09th day of June, 2026

Crl.M.C.No.2455/2026 has been filed seeking the following prayers:

a) *Call for the records leading to Annexure -II Order dated 18.02.2026 in Crl.M.P. No.84/2026 on the file of the learned Enquiry Commissioner and Special Judge (Vigilance), Kollam, arising out of Crime No.3700/CB/CU-IV/TVPM/D/2025 of the Crime Branch Police Station, Thiruvananthapuram, and to set aside Annexure II Order dated 18.02.2026, passed in Crl.M.P.No.84/2026 by the learned Enquiry Commissioner and Special Judge (Vigilance), Kollam in the interest of justice.*

b) *to expunge the adverse observations against the investigation made by the learned Enquiry Commissioner and Special Judge (Vigilance), Kollam, in Paragraphs 79, 80, 87 and 88 of the impugned order, as the said observations are unwarranted and prejudicial to the investigation.*



2. Similarly, the prayers in Crl.M.C.No.2717/2026 reads as under:

a) Call for the records leading to Annexure II Order dated 18.02.2026 in Crl.M.P. No.17/2026 on the file of the learned Enquiry Commissioner and Special Judge (Vigilance), Kollam, arising out of Crime No.3701/CB/CU-IV/TVPM/D/2025 of the Crime Branch Police Station, Thiruvananthapuram and to set aside Annexure II Order dated 18.02.2026, passed in Crl.M.P.No.17/2026 by the learned Enquiry Commissioner and Special Judge (Vigilance), Kollam in the interest of justice.

b) To expunge the adverse observations against the investigation made by the learned Enquiry Commissioner and Special Judge (Vigilance), Kollam, in Paragraphs 79, 80, 87 and 88 of the impugned order, as the said observations are unwarranted and prejudicial to the investigation.

3. Heard both sides in detail.

4. The learned counsel for the sole



CRL.MC NOS. 2455 OF 2026 & 6

2717 OF 2026

respondent herein, who is accused No.16 in Crime Nos.3700/2025 and 3701/2025, has filed a written objection and also placed the decision of this Court in **Anzar Azeez v. State of Kerala** reported in [2025 (2) KHC 287] with reference to paragraph No.11, wherein this Court held that *a finding of a prima facie case at the bail application stage is not binding to the trial court at the time of final disposal of that case.*

5. It is submitted by the learned Public Prosecutor while conceding that the grant of bail is not sought to be reversed at this stage, on reading the observations sought to be expunged from the order, whereby the respondent had given a clean chit by the Special Court, in fact, the same would prejudice the prosecution. It is further submitted that the learned Special Judge should not have made such observations while considering the bail application. Paragraph Nos.79, 80, 87 and 88 of the impugned order, which according to the petitioner, are unwanted observations which are



prejudicial to the investigation and prosecution, are liable to be expunged.

6. In paragraph No.5 of the objection filed by the respondent herein, the point raised by the learned counsel for the respondent could be found and the same is as under:

5. It is settled law that the Hon'ble Apex Court has, in a catena of decisions, held that an order granting bail in a mechanical, cryptic, or casual manner without recording reasons would suffer from the vice of non-application of mind. The liberty of an individual is an invaluable and cherished right under Article 21 of the Constitution of India, and any order dealing with such liberty must be informed by reasons. The law mandates that a court deciding a bail application cannot divorce its decision from the material aspects of the case. The court is duty-bound to consider: The nature and gravity of the allegations levelled against the accused, the prima facie material available in support of the charge etc. As held by the Hon'ble Supreme Court in Ram Govind Upadhyay v. Sudarshan Singh, (2002) 3 SCC 598 and Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav,

2717 OF 2026

(2004) 7 SCC 528, a prima facie satisfaction arrived at by the court must be supported by reasons and must be based upon a judicious consideration of the vital facts brought on record. The court must apply its mind to facts suggestive of the nature and seriousness of the crime, the character of the evidence, and the antecedents of the accused. An unreasoned order granting bail, dehors consideration of relevant factors, is indefensible in law. A bare perusal of the impugned order dated 18.02.2026 would reveal that the learned Special Judge has passed the order strictly in conformity with the binding principles laid down by the Hon'ble Apex Court. Far from being mechanical or cryptic, the order demonstrates careful application of judicial mind. The learned Judge has: Meticulously discussed the allegations in paras 79 and 80, including the prosecution's case on misappropriation and conspiracy; Recorded prima facie findings in para 87 after analysing the materials and concluded that there is absolutely no material to connect the petitioner with the alleged conspiracy; Weighed the absence of pecuniary gain in para 75 and the customary nature of Dakshina in para 82; and applied the triple test for bail - flight risk, tampering, and repetition of offence - before

2717 OF 2026

concluding in para 88 that continued detention is not warranted. Thus, the impugned order is replete with reasons, based on materials on record, and reflects a conscious and judicious exercise of discretion. It cannot, by any stretch of legal reasoning, be termed as "casual" or "dehors reasoning". Consequently, the challenge mounted by the petitioner on the ground of "non-application of mind" is factually incorrect and legally untenable. The order satisfies the test laid down in Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496, wherein it was held that though a detailed examination of evidence is not required at bail stage, there is a need to indicate reasons for prima facie concluding why bail was being granted. The learned Special Judge has discharged that duty scrupulously. Hence, the Crl.M.C. seeking interference with a well-reasoned bail order is liable to be dismissed.

7. Going through the observations in paragraph Nos.79, 80, 87 and 88 of the impugned order, it is discernible that the learned Special Judge, on the basis of materials produced, given a clean chit to the respondent and according to the prosecution, the same is fatal to the

2717 OF 2026

investigation and prosecution. This Court is of the view that even though a court granting bail has the power to evaluate the materials to find out *prima facie* whether the offences alleged against the petitioner seeking bail are made out, such power shall not be exercised to efface the investigation and to annul the prosecution of the accused. Indubitably, the Investigating Officer can collect more materials in continuation of the investigation and evaluation of the same is the domain of the trial court, in accordance with law to take appropriate decision. Thus, I am of the considered view that the learned Special Judge should not have gone to that extend.

Since it is fairly submitted by the learned Public Prosecutor that the prosecution does not seek cancellation of bail, as sought for, and the prayer is limited to expunging the remarks in paragraph Nos.79, 80, 87 and 88 of the impugned order, in the interest of justice, the remarks and observations made by the learned Special Judge in paragraph Nos.79, 80, 87 and 88 of the impugned order,



2026:KER:41186

CRL.MC NOS. 2455 OF 2026 & 11

2717 OF 2026

without prejudice to the right of the prosecution to investigate and prosecute the respondent, stand expunged. It is specifically held that the trial court Judge shall decide the case based on evidence adduced during trial and while considering discharge or framing charge also, the trial court Judge shall look into the prosecution materials in its entirety to take an appropriate decision, in accordance with law.

Sd/-
A. BADHARUDEEN
JUDGE

Bb



2026:KER:41186

CRL.MC NOS. 2455 OF 2026 & 12

2717 OF 2026

APPENDIX OF CRL.MC NO. 2455 OF 2026

PETITIONER' S ANNEXURES

ANNEXURE I	TRUE COPY OF THE FIR IN CRIME NUMBER 3700/CB/CU-IV/TVPM/D/2025 OF CRIME BRANCH POLICE STATION, THIRUVANANTHAPURAM AND LETTER DATED 11-10-2025 GIVEN BY DEVASWOM COMMISSIONER TRAVANCORE DEVASWOM BOARD TO THE STATE POLICE CHIEF
ANNEXURE II	TRUE COPY OF THE COMMON ORDER DATED 18-02-2026 OF THE COURT OF ENQUIRY COMMISSIONER AND SPECIAL JUDGE (VIGILANCE), KOLLAM IN CRIME NUMBER 3700/CB/CU-IV/TVPM/D/2025 OF CRIME BRANCH POLICE STATION THIRUVANANTHAPURAM
ANNEXURE III	TRUE COPY OF THE TYPED OPINION DATED 18-06-2019 OF THE RESPONDENT HEREIN AGREEING WITH THE PROPOSAL OF REPLATING THE GOLD CLADDED ARTEFACTS PURSUANT TO AN APPLICATION SUBMITTED BY THE FIRST ACCUSED
ANNEXURE IV	TRUE COPY OF THE WRITTEN LETTER SUBMITTED ON 22-07-1998 BY THE RESPONDENT AND OTHER THREE THANTRIES RECOMMENDING THE WORK OF GOLD CLADDING ON THE DOOR, GHANADWARAM, DWARAPALAKA
ANNEXURE V	TRUE COPY OF THE PHOTO SHOWING THE RESPONDENT ALONG WITH A1 AND A13
ANNEXURE VI	TRUE COPY OF THE HANDWRITTEN LETTER DATED 10-12-97 GIVEN BY THE RESPONDENT IN THE YEAR 1997
RESPONDENT' S ANNEXURES	NIL



2026:KER:41186

CRL.MC NOS. 2455 OF 2026 & 13

2717 OF 2026

APPENDIX OF CRL.MC NO. 2717 OF 2026

PETITIONER'S ANNEXURES

- ANNEXURE I TRUE COPY OF THE FIR IN CRIME NUMBER 3701/CB/CU-IV/TVPM/D/2025 OF CRIME BRANCH POLICE STATION THIRUVANANTHAPURAM
- ANNEXURE II THE COPY OF THE ORDER DATED 18-02-2026 OF THE COURT OF ENQUIRY COMMISSIONER AND SPECIAL JUDGE (VIGILANCE) KOLLAM IN CRIME NUMBER 3701/CB/CU-IV/TVPM/D/2025 OF CRIME BRANCH POLICE STATION, THIRUVANANTHAPURAM
- ANNEXURE III THE TRUE COPY OF THE BOARD PROCEEDINGS OF TRAVANCORE DEVASWOM BOARD DATED 20-03-2019
- ANNEXURE IV THE TRUE COPY OF THE WRITTEN LETTER SUBMITTED ON 22-07-1998 BY THE RESPONDENT AND THE OTHER THREE THANTRIES RECOMMENDING THE WORK OF GOLD CLADDING ON THE DOOR, GHANADWARAM AND DWARAPALAKA
- ANNEXURE V A TRUE COPY OF THE PHOTO SHOWING THE RESPONDENT ALONG WITH A1 AND A10
- ANNEXURE VI A TRUE COPY OF THE HAND WRITTEN LETTER GIVEN BY THE RESPONDENT IN THE YEAR 1997
- ANNEXURE VII THE TRUE COPY OF PHOTOS PROVING THE PRESENCE OF THANTRI AT SABARIMALA SANNIDHANAM ON 18-05-2019, 19-05-2019, 16-06-2019, 17-06-2019 AND 18-06-2019

RESPONDENT'S ANNEXURES : NIL