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**(2023) 03 KL CK 0311**  
**In the High Court Of Kerala**  
**Case No : Bail Application No. 941 Of 2023**

Sunitha S

APPELLANT

Vs

State Of Kerala

RESPONDENT

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**Date of Decision :** 31-03-2023

**Acts Referred:**

Code of Criminal Procedure, 1973 — Section 438  
Indian Penal Code, 1860 — Section 381

**Citation :** (2023) 03 KL CK 0311

**Hon'ble Judges :** Dr. Kauser Edappagath, J

**Bench :** Single Bench

**Advocate :** Joseph George, Jibu P Thomas, M.P. Prasanth

**Final Decision :** Dismissed

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## Judgement

Dr Kauser Edappagath, J

1. This is an application for anticipatory bail filed under Section 438 of the Cr.P.C.
2. The applicant is the accused in Crime No.28/2023 of Vanchiyoore Police Station. The offence alleged is punishable under Section 381 of the IPC.
3. The prosecution case in short is that the applicant who is a maid servant at the house of the defacto complainant had committed theft of ₹ 5,000/- and a gold ring weighing half sovereigns.
4. Heard both sides.
5. This Court as per order dated 13.3.2023 granted interim bail to the applicant on condition that she shall surrender before the investigating officer and co-operate with the interrogation. Thereafter, the Public Prosecutor submitted that the recovery could not be effected due to the non co-operation of the applicant. Hence, this Court passed another order on 27.3.2023 and directed the applicant to surrender before the investigating officer on 29.3.2023 for the purpose of interrogation. A specific direction was given to the applicant to fully co-operate

with the investigation including for effecting recovery.

6. Today, when the case is taken up for hearing, the learned Public Prosecutor submitted that still the applicant is not co-operating with the interrogation and the recovery is not yet effected. On the other hand, the learned counsel for the applicant submits that the investigating officer is compelling the applicant to give a confession statement.

7. This court has given sufficient time to the investigating officer for interrogation. The defacto complainant had given a complaint to the police on the suspicion that the applicant might have committed theft of the gold ornament and the cash. There is a delay of 2 months in preferring the complaint. It is true that the said delay has been explained. However, having considered all the relevant aspects, I am of the view that the applicant can be granted anticipatory bail on the following conditions:-

(i) The applicant shall be released on bail in the event of her arrest on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the arresting officer/investigating officer, as the case may be.

(ii) The applicant shall fully cooperate with the investigation, including subjecting herself to the deemed police custody for discovery, if any, as and when demanded.

(iii) The applicant shall appear before the investigating officer between 10.00 a.m. and 11.00 a.m. every Saturday until further orders. She shall also appear before the investigating officer as and when required.

(iv) The applicant shall not commit any offence of a like nature while on bail.

(v) The applicant shall not attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The applicant shall not leave the State of Kerala without the permission of the trial Court.

(vii) The application, if any, for deletion/modification of bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court.