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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 2099/2024**

**SUJATA RAO**

.....Petitioner

Through: Mr. Sunil Kr. Jain, Advocate.

versus

**THE STATE GOVT. OF NCT OF DELHI**

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for the State.

Mr. Abhinav Sekhri and Ms. Arzoo Prakash, Advocates for the complainant.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

**03.07.2024**

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1. **The Bail Application under Section 439 of the Code of Criminal Procedure (*hereinafter referred to as 'Cr.P.C.'*)**, has been filed for grant of regular bail in respect of the FIR No. 127/2024 under Sections 328/381 IPC, registered at Police Station Sarita Vihar.
2. It is submitted in the application that the petitioner is a law abiding citizen. She has two marriageable daughters and one son and husband, who is heart patient. In the month of January, 2023, the applicant took loan from Muthoot Finance and mortgaged her jewellerys. Later on, in the month of May, 2023, she got her jewellery released. The copy of the Loan slip has been annexed along with the Petition.
3. It is submitted that the applicant had joined the house of the complainant to look after his father as a caretaker but some dispute arose



between the petitioner and the parents of the complainant on account of salary because of which she left the work in August, 2023.

4. On 11.08.2023, accused purchased some gold articles for the marriage of her daughter from one Madan Jewellers. The copy of the Invoice is annexed herewith. In the month of November, 2023, again the petitioner was called by the complainant and requested to join back the work as other maids were not working properly. The applicant reached the house of the complainant where other maid, namely, Bimla, who had been coming to the house of the complainant, at night to take care of parents of the complainant, informed her that there was some jewellery stolen from the house and that she could be falsely implicated by the complainant. The petitioner immediately left the house of the complainant. In the month of January, 2024, again, the accused gave her jewellery to Muthoot Finance for loan to solemnize the marriage of the daughter. After six months of the incident, on 10.04.2024, the complainant gave a complaint against the petitioner for committing theft. She was arrested by the police on 10.05.2024 and after two days of police custody, she has been remanded to judicial custody.

5. It is submitted on behalf of the applicant that she has no concern with the alleged offence. There are no medical documents produced to show that the petitioner had given intoxicating substance to the family members. It is strange to note that the complainant, who was present in the hospital as per the FIR, after six months of filing the complaint against the petitioner.

6. It is further submitted on behalf of the applicant that a search of the house of the petitioner has been done in the presence of public witnesses but nothing has been recovered. She had joined the investigations on receiving the Notice under Section 41(A) Cr.P.C. She has no concern with the offence.



After two days, the stolen articles have been recovered from the Muthoot Finance Ltd. and not from her possession. The disputes had arisen in respect of the salary because of which she had left the job of the complainant's parents. All the facts stated herein are concocted and wrong.

7. It is submitted that the bail application had been dismissed on 30.05.2024 by learned ASJ, without considering the facts properly. The accused is not required for further investigation. Reliance has been placed on State of Rajasthan vs. Balch and alias Baliya, 1977 AIT 2447, to seek bail in the present case.

8. The Status Report has been filed on behalf of the State wherein it is submitted that the investigation revealed that the aged parents of the complainant, who were about 74 and 78 years old respectively, were being intoxicated and thereafter, the theft has been committed of the goods by the accused, who had been working in their house as a house maid to take care of aged parents. The complainant is based in America and had shifted permanently in August, 2023, to stay with his parents. It is submitted that the statement of the witnesses have been recorded, which have confirmed that the parents were being regularly intoxicated. The statement of the delivery boy has also been recorded that when he had gone to the house to deliver the items, he had found the complainant a little dilirious and seemed to be drugged and was unable to successfully transfer money i.e. Rs.400/-, to the delivery boy, through PayTm.

9. It is also stated that further investigations have revealed that several attempts of transfer of money through PayTm, from the mobile of the deceased father, were made by the accused though she did not succeed because she was not aware of the password of the PayTm. It is further



submitted that the recovery of goods have been made from Muthoot India and IIFL Ltd. The bail is thus, seriously opposed.

10. It is also submitted that there was a delay in making the complaint as the father of the complainant had fallen ill in November, 2023 and he eventually died in March, 2024.

11. It is also submitted that husband of the accused is equally involved in the commission of the offence. He is absconding and has not joined the investigations. The petitioner is claiming that she is not aware of the whereabouts of her husband whom she claims, is residing somewhere in their native town in Bengal but he is the parokar for the petitioner as is evident from the record of this Court.

12. **Submissions heard.**

13. There are serious allegations of the petitioner having intoxicated the parents, as well as, the complainant, for the purpose of making the theft.

14. Considering the gravity of the offence, the Bail Application is seriously opposed and serious allegations against the accused having taken advantage of the position of trust, being the house maid of the complainant and that the co-accused/the husband is still evading arrest, the bail application is dismissed.

**NEENA BANSAL KRISHNA, J**

**JULY 3, 2024/RS**