

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL BAIL APPLICATION NO. 28 OF 2007
IN
CRIMINAL APPEAL NO. 10 OF 2007**

Shivcharan Shivbharan Singh & Anr. ... Applicants.

V/s.

The State of Maharashtra.

... Respondent.

.....

Mr. Neville Deboo for the Applicants.

Mrs. M.M. Deshmukh, A.P.P. for the Respondent.

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CORAM : J.H. BHATIA, J.

DATE : 31ST JANUARY, 2007.

P.C. :

1. Heard Mr. Neville Deboo, learned Counsel for the Applicants and Mrs. Deshmukh, learned A.P.P. for the State.

2. The Applicants who are the original Accused Nos.1 and 2 were convicted for the offence punishable under Section 366 and 376 (2)(g) of I.P.C. and were sentenced to undergo R.I. for 5 years and for 10 years with some fine in the said offence. They have preferred Appeal which is admitted. By this application, the Applicants seek to be released on bail.

3. According to the prosecution story, the prosecutrix is a married woman aged about 35 years was in the employment of Respondent No.2 as a sweeper. While in that service, Accused No.2 had taken her to the house of his friend Accused No.1 under the pretext that she would be required to sweep the house of Accused No.1. After she was taken in the house of Respondent No.1. She was raped by both the Accused. That incident had occurred in January 2002. However, she kept quiet for a long time. Some time in June 2002, her services were terminated and on enquiry by her, Accused No.2 informed her that it was a break for one month. However, even after expiry of one month, she was not taken back in the job. On 21st October 2002, she lodged a report with Police and offences were instituted. Thus, there was a delay of about 9 months in lodging the report of the alleged offence. The Applicants were on bail during the trial and there is no allegation of misuse of bail.

4. For the aforesaid reasons, the Applicants are granted bail on some terms and conditions as before the Trial Court, subject to their executing fresh bail bond and depositing the fine amount.

(J.H. BHATIA, J.)