

**REPORTABLE
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.78 OF 2009
(Arising out of SLP(Crl.) No.6783 of 2008)**

Suzanne Louise Martin

..Appellant

versus

State of Rajasthan & Another

..Respondents

ORDER

Leave granted.

Heard learned counsel for the parties.

This Appeal has been filed against the order dated 29.07.2008 passed by the Division Bench of the High Court of Judicature for Rajasthan at Jodhpur in D.B.Criminal Miscellaneous Bail Application/Suspension of Sentence Petition No. 712 of 2008 in D.B.Criminal Appeal No.344 of 2008 whereby the High Court has suspended the sentence awarded to the accused-respondent No.2 under Section 389, Cr.P.C. and granted him bail on certain conditions.

We have carefully perused the record in this case, especially the first information report bearing No.18 dated 9.1.2008 registered under Sections 376 & 450 of the Indian Penal Code at Police Station Ambamata District, Udaipur in which serious allegations have been made against the

respondent-accused. The appellant is a British journalist and business woman. She had come to India and was staying in Pardeshi Guest House, Udaipur. On 23/24.12.2007, the respondent No.2, who was running the guest house, barged into the room where the appellant was staying and forcibly raped her. She has alleged that because of this incident she was emotionally, mentally and physically wrecked and became totally incapacitated to even think and act like a normal human being. We have also perused the judgment of the trial Court convicting the accused on both counts and awarded life imprisonment under Section 376, IPC.

Under the circumstances, without expressing any opinion on the merits of the dispute and culpability of the accused, we are certainly of the opinion that this was not a fit case where the sentence awarded should have been suspended and the accused released on bail. The High Court was, thus, totally unjustified in granting bail to the accused, or in suspending the sentence.

Accordingly, we accept this appeal, set aside the impugned judgment of the High Court and cancel the bail granted to the accused-respondent No.2. He shall be taken

-3-

into custody forthwith. However, we would request the High Court to dispose of the appeal expeditiously.

.....J.

[MARKANDEY KATJU]

**NEW DELHI;
JANUARY 16, 2009.**

**.....J.
[V.S.SIRPURKAR]**