

IN THE HIGH COURT OF JHARKHAND AT RANCHI
I.A. No.4204 of 2020
In
Cr. Appeal (D.B.)No. 681 of 2019

Sanjay Diggi **Appellant**
Versus
The State of Jharkhand **Respondent**

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA
HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant :Mr. Pravin Kumar, Advocate
For the State :Mr. A. K. Toppo, A.P.P

06/Dated:11.09.2020

1. Office to delete the name of Mr. Shiv Kumar Sharma and mention the name of Mr. A. K. Toppo, as the counsel for the State in the cause list.

I.A. No.4204 of 2020

1. This interlocutory application has been filed under Section 389 (1) of the Code of Criminal Procedure for suspension of the sentence and grant of ad-interim bail, to the appellant, during the pendency of the appeal.

2. Learned counsel for the appellant has submitted that there are no eye witnesses to the occurrence. P.Ws.-1, 2 and 3 are hearsay witness. P.W.-5- the Investigating Officer has stated that he did not recover the *tangi* alleged to have been used in assaulting the deceased. It is submitted that, in fact, the appellant was attending his duty in a company and he has been falsely implicated just because he happens to be the husband of the deceased.

3. Learned A.P.P has submitted that the arguments advanced were considered earlier and the prayer for bail of the appellant was rejected vide order dated 12.09.2019.

4. Heard. The occurrence had taken place on 24.09.2019. Surprisingly the appellant who is the husband of the deceased did not report the matter to the police. He was arrested on 26.09.2015. As per the post-mortem report the deceased met homicidal death.

The appellant has not adduced any evidence in support of the alibi that he was on duty at any company at the time of occurrence. Having regard to the facts and circumstances, we are not inclined to suspend the sentenced and enlarge the appellant on bail.

5. In the result, I.A. No.4204 of 2020 stands rejected.

(AMITAV K. GUPTA, J.)

(RAJESH KUMAR, J.)