

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. A. (SJ) No. 1155 of 2019

Birdhi Devi and another **Appellants**
Versus
The State of Jharkhand **Respondent**

CORAM: HON'BLE MR. JUSTICE RATNAKER BHENGRA

Through- Video Conferencing

For the Appellants : Mr. Arwind Kumar, Advocate
For the State : Mr. Rajneesh Vardhan, APP

07/Dated: 26/03/2021

I.A. No. 1815 of 2021

This Interlocutory application has been filed for suspension of sentence of the appellant No. 2, namely, Tipu Purti, during pendency of this appeal.

Learned counsel for the applicants has submitted that applicant has spent about 27 months in custody. He has further submitted that prayer for bail of this applicant was earlier rejected "at this stage" vide order dated 01.05.2020 and as such now it may be considered. Learned counsel further submits that cause of action of the applicant was not baseless but it was due to the deceased having bad intention against Birdhi Devi. He has referred to the evidence of the Investigating Officer-PW-9, at paragraph No.2 and states that it appears during investigation against the deceased that there was an issue of rape and for which also a case was lodged under section 452 and 376 of the Indian Penal Code and on these grounds the applicant may be released on bail.

Learned counsel for the State on the other hand opposed the prayer for bail and submits that prayer for bail of the applicant was rejected earlier on merits and those grounds still remain. Further he submits that seven years of imprisonment was awarded to the applicant and now he has served only 27-28 months in custody. Therefore, he should not be allowed on bail.

Having heard both counsels and having gone through the records of the case, I am not inclined to suspend the sentence of the applicant during pendency of this appeal. However, applicant may renew his prayer after six months.

IA No. 1815 of 2021 is dismissed.

(Ratnaker Bhengra, J.