

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3482 of 2020**

Bhagwat Verma, aged about 31 years, S/o Shri Thanwar Verma, R/o Saddu (Tarpongi), Dharsiwa, Police Station Dharsiwa, District Raipur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Dharsiwar, District Raipur (C.G.)

---- Non-Applicant

For Applicant	: Shri Shobhit Mishra, Advocate
For State/ Non-Applicant	: Shri Gagan Tiwari, Dy., G.A.

Hon'ble Shri Justice Sanjay S. Agrawal**Order On Board****06.10.2020**

1. This is the third bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred as the Cr.P.C.), for grant of regular bail to him, as he has been arrested on 26.12.2017 in connection with Crime No. 605/2017, registered in Police Station Dharsiwa, District Raipur (C.G.) for the offence punishable under Section 302 & 323 of the Indian Penal Code, 1860 (for short 'IPC, 1860'). The first bail application was rejected vide order dated 03.10.2018 while second was on 04.10.2019 for non-prosecution.
2. According to the prosecution, a compliant was lodged by one Uma Shankar Singh Rajput on 26.12.2017 at Dharsiwa Police

Station to the effect that in the intervening night of 25th and 26th of September, 2017 around 1:30 to 2:00 AM, the accused Bhagwat Verma, driver of vehicle “Bolero Pickup” bearing Registration No.CG-04-HN-1382, came to Patna Mujjafarpur Bihari Dhaba, Tiwariji Family Restaurant for dinner. Further prosecution story is that since there was some delay in serving the food, the accused got annoyed and abused the staff members of Dhaba in the name of mother and sister while threatening to see them in the next morning and sat in his vehicle. Upon hearing hue and cry by the accused, the owner of Dhaba, namely, Brijkishor Tiwari rushed towards the accused and trying to pacify the same while intervening the matter and upon this the accused pushed him, due to which, Brijkishore fell down near the vehicle and thereupon with an intention to kill him, the accused trampled him with the vehicle. Owing to alleged act of the accused, the deceased was injured badly and succumbed to the injuries during the course of treatment in the Hospital. Based upon the said complaint, the alleged offence has been registered against the applicant in connection with Crime No.605/2017 for the offence punishable under Sections 302 and 323 of IPC.

3. Shri Shobhit Mishra, learned counsel for the applicant, while furnishing deposition sheets of the prosecution witnesses, submits that the applicant is innocent and has been falsely implicated in connection with the said crime. It is contended further that the charges were framed against the applicant on 07.07.2018 and till date the evidence of the prosecution has

not been concluded and owing to present scenario occurred due to Covid-19 pandemic, it is likely to take some more time, and therefore, the applicant be enlarged on bail.

4. On the other hand, Shri Gagan Tiwari, learned State counsel, while inviting attention to the evidence of the complainant, namely Uma Shankar Singh Rajput, examined as P.W.1 and others' of the prosecution witnesses, submits that the manner in which the applicant has caused brutal murder of deceased, he does not deserve to be enlarged on bail.
5. I have heard learned counsel for the parties and perused the record carefully.
6. Having considered the facts and circumstances of the case, considering further the evidence of complainant Uma Shankar Singh Rajput and other prosecution witnesses placed on record, I am not inclined to release the applicant on bail. The application is accordingly rejected.

Sd/-

(Sanjay S. Agrawal)
Judge