

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.10041 of 2018

ORDER :

As the punishment provided under Section 9(B)(1)(b) of the Explosives Act, 1884, is maximum two years imprisonment and not even specifically stated by the Act as to bailable or not, once covered by Schedule-II of Cr.P.C. to say as bailable for not punishable of three years above to treat as non-bailable, the anticipatory bail application is not maintainable, but for to seek for bail in a bailable offence by surrender by the petitioners. Needless to say in the event of surrender with application under Section 44 read with 436 Cr.P.C., the learned Magistrate in a bailable offence is bound to grant bail subject to conditions as to solvency.

2. Having regard to the above, the criminal petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

27th September 2018.

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