

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6389 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/accused, seeking anticipatory bail in Crime No.166 of 2019 on the file of the S.H.O., VI Town Police Station, Nizamabad, Nizamabad District, registered for the offences punishable under Sections 286 IPC and 3 and 5 of Explosive Substances Act.

2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for respondent-State.

3. Learned counsel for the petitioner submits that even if the entire allegations are looked into, there are no such allegations against the petitioner regarding his involvement in doing the act of explosion or use of explosives at the relevant point of time. He further submits that the petitioner's name is implicated basing on a confession statement of one Gangaram without there being any basis or material to connect the petitioner with the alleged offences. He further submits that the petitioner is neither owner nor concerned with the land situated backside of big tank near jail wall of Sarangapur village. He further submits that there is nothing on record to show that any such explosives have been used or any such explosions has taken place at the alleged place. The

petitioner is a law abiding citizen and not having any criminal antecedents. Hence he prays to grant anticipatory bail to the petitioner.

4. On the other hand, the learned Additional Public Prosecutor representing the State vehemently opposed the bail application.

5. As seen from the contents of the FIR, there are specific allegation that one Gangarram, who was present has specifically stated that upon the instructions of the owner of the land-the present petitioner, the boulders present at the spot were blasted and he was there for leveling the land with the help of JCB. Thus, as seen from the contents, it is clear that at the instructions of the petitioner only, the boulders were being blasted with the explosives.

6. Taking into consideration the nature of allegations made against the petitioner and also keeping in view the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the Criminal Petition is dismissed. However, the petitioner shall surrender before the concerned Court within 15 days and move bail application and the same shall be considered in accordance with law.

JUSTICE G. SRI DEVI

DATED: 18.10.2019.
Hsd

