

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6998 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/A1, seeking anticipatory bail in Crime No.163 of 2019 on the file of the S.H.O., Yadagirigutta Police Station, Yadadri-Bhongir District, registered for the offences punishable under Sections 279, 286 and 336 IPC and 9B (1) (b) of Explosive Act, 1884 and 4 and 5 of Explosive Substances Act, 1908.

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 the petitioner denies all the allegations leveled against him as false and baseless and concocted for the purpose of the case and the petitioner has been falsely implicated in this case. The petitioner never committed any offence and he is not at all concerned with the seized Galeton Sticks. He further submits that the police officials did not conduct any panchanama and no Galeton Sticks were seized from the possession of the petitioner. He further submits that the petitioner is the innocent of the offences and he denies that he directed A2 and A3 to do blasting operation in his fields by using Galeton Sticks as alleged by the prosecution. He further submits that the police registered a case against the

petitioner only basing on the confessional statement of A2 and A3 and except this, there is no link between the petitioner and other accused in the case. He further submits that there is no iota of evidence to show that the petitioner involved in the crime. He further submits that the petitioner is a law abiding citizen and prepared to assist the police in investigation, if he is enlarged on bail. The petitioner is a permanent resident of Kukatpally and having movable and immovable properties and he is ready to furnish sureties to the satisfaction of the Court and he is also ready to abide by the conditions imposed by this Court and 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 remand case diary, there are specific allegations against the present petitioner that he is the owner of Hanuman Venture in S.No.314 at the outskirts of Saidapuram village of Yadagirigutta mandal. There is existing rock stones in the site and the petitioner wanted to get it removed. The petitioner in stead of taking blasting operations legally by obtaining permission from any competent authority, he planned to conduct the blasting operations illegally without obtaining

any permission. Accordingly, the petitioner contacted A2 (Orsu Narsimha) and A3 (Orsu Ramu), who are juvenile, as these two accused are in the profession of removing rock stone by conducting blasting operation and they were also working in the land of the present petitioner. The present petitioner asked the accused to remove the rock in his Hanuman Venture land by conducting illegal blasting operations and A2 and A3 have started conducting blasting operations at the instance of the present petitioner and accordingly, they have put Galeton Sticks in the rocks proposed to be removed from the site.

6. Thus, looking into 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, if the petitioner-A1 surrenders before the concerned Court within 15 days from today and move bail application after giving notice to the Public Prosecutor, the same may be considered in accordance with law. Miscellaneous petitions, if any pending, shall stand closed.

DATED: 11.11.2019.
Hsd

JUSTICE G. SRI DEVI

