

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7662 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner, who is A.1, seeking anticipatory bail in Crime No.189 of 2019 of Kandukur Police Station, Cyberabad, registered for the offences punishable under Sections 3, 4 and 5 of Explosives Substances Act, 1908.

The case of the prosecution is that the petitioner/A.1, being the owner of the land, instructed his workers to drill holes to the quartz stone by using explosives without having any valid licence or permission from the Government.

Heard learned counsel for the petitioner/A.1 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioner contends that the petitioner is innocent of the alleged offences and in the entire complaint, there is no allegation that the petitioner has committed acts of causing explosion that is likely to endanger the life or property and the only allegation in the FIR is that they are blasting the boulders without obtaining any permission from the competent authority and as such no prima-facie case is made out against the petitioner. It is

further contended that material part of investigation has already been completed and that the petitioner is ready to abide by any of the conditions imposed by this Court and would cooperate with the investigation, if he is released on anticipatory bail in the event of his arrest in connection with the aforesaid crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition and submits that this is the second anticipatory bail application and the first anticipatory bail application filed by the petitioner was dismissed by this Court vide order dt.30.09.2019 in Crl.P.No.6000 of 2019.

As seen from the contents of the complaint and other material facts, there are specific allegations levelled against the petitioner that he has instructed his workers to undertake the job of blasting the boulders with the help of explosives though the owner of compressor vehicle is not having valid licence to undertake the blasting. Further, the first anticipatory bail application filed by the petitioner was already dismissed by this Court vide order dt.30.09.2019 in Crl.P.No.6000 of 2019 and no new grounds whatsoever have been urged in this second anticipatory bail application. In view of the same, I am not inclined to grant anticipatory bail to the petitioner/A.1.

Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any,
shall stand closed.

JUSTICE G. SRI DEVI

12.12.2019.
Msr



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