

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.233 OF 2020

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.), is filed by the petitioner/A-2, for grant of anticipatory bail in Crime No.122 of 2019 of P.S. Thurkapalli, Rachakonda District, registered for the offences punishable under Sections 3 and 4 of the Explosives Substances Act read with Section 34 of the Indian Penal Code.

Heard the learned counsel for the petitioner/A-2, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

In the FIR, it is *inter alia* stated that on 20.11.2019 at 18.30 hours, while the ASI of Police, Thurkapally P.S., was performing patrolling duty along with his staff, on receipt of credible information about some one using explosives to shayyer boulders in an agricultural land, he rushed to the said place and found the accused along with a compressor tractor, detonators and 22 gelatin sticks. Immediately, he secured two mediators and conducted a confessional and seizure panchanama and arrested the accused.

Learned counsel for the petitioner/A-2 would submit that the petitioner/A-2 is innocent of the offences alleged against him and he has been falsely implicated due to the confessional statement of A-1. It is further submitted that the police could not recover any explosives from the petitioner/A-2 nor he was present in the scene of offence. It is further submitted that no explosion took place and no injury was caused to any body and only for statistical purpose, the present case was got registered. It is further submitted that the petitioner is a permanent resident of Alair having fixed abode and

landed property and hence, there is no question of absconding. Further, he is willing to furnish suitable security and abide by any condition which this Court may deem fit to impose. Hence, he prayed to grant anticipatory bail to the petitioner/A-2.

Learned Additional Public Prosecutor representing the respondent-State opposed to grant anticipatory bail to the petitioner/A-2.

As seen from the contents of the F.I.R., there are specific allegations against the petitioner/A-2 that the petitioner/A-2 is a supplier of explosive materials and he has supplied gelatin sticks, which have been seized from the possession of A-1.

Having regard to the facts and circumstances of the case, nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner/A-2.

The Criminal Petition is, accordingly, dismissed. However, if the petitioner/A-2 surrenders before the competent Court within a period of fifteen days from today and applies for regular bail, the same shall be considered by the said Court, in accordance with law.

Miscellaneous applications, if any, pending shall stand dismissed.

(G. SRI DEVI, J)

20th January 2020
RRB