

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.876 of 2020

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/ A-3 seeking to grant anticipatory bail in the event of his arrest in Crime No.420 of 2019 on the file of Rajiv Gandhi International Airport Police Station, Cyberabad, registered for the offences punishable under Section 420 IPC and Section 5 of the Explosive Substances Act, 1908.

Heard learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the respondents-State and perused the record.

The case of the prosecution is that on 26.8.2019 at 8 hours, one Shaik Habeeb Basha, the driver of DCM Van bearing registration No.AP-03-TC-9707, was transporting Ammonium Nitrate from Bhuvanagiri to Madanapalli in 200 bags and the Way Bill was in the name of Sodium Nitrate. While so, the Inspector of Police, R.G.I. Airport Police Station, along with his staff, conducted checking and caught hold of the said DCM Van and found explosive materials like Ammonium Nitrate instead of Sodium Nitrate and that later, two panch witnesses were summoned and in their presence the Police conducted confession-cum-seizure panchanama and seized the said property. Basing on the said seizure, the above crime came to be registered.

Learned counsel for the petitioner submitted that even if the allegations made in the F.I.R. as well as the confession on the face value are taken to be true, no case is made out against the petitioner; that the petitioner has a fixed abode and there is no question of his absconding; that the petitioner's father is suffering from old aged ailments and the petitioner has to take care of him; and that the petitioner is willing to furnish suitable security and is ready to abide by any conditions that may be imposed by this Court in the event of his enlargement on anticipatory bail.

Learned Additional Public Prosecutor vehemently opposed to grant anticipatory bail to the petitioner.

As seen from the contents of the F.I.R., the contraband of Ammonium Nitrate, an explosive substance, was being transported by the accused in DCM Van with fake Way Bill. Even the confession statement of the co-accused was recorded in the presence of the panchas. Therefore, looking into the nature of allegations levelled against the petitioner and the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner.

The Criminal Petition is accordingly dismissed. However, the petitioner is directed to surrender before the Court concerned within seven days from today and file an application for bail before the Court concerned, in which event, the same can be disposed of in accordance with law. Till the petitioner surrenders before the Court concerned, the Police shall not take any coercive steps against him and if the petitioner does not surrender before the

Court concerned within the stipulated time, the Police are at liberty to take coercive steps against him forthwith.

JUSTICE G. SRI DEVI

24.02.2020
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