

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE ✓

:PRESENT:
THE HON'BLE JUSTICE G SRI DEVI ✓

CRIMINAL PETITION NO: 2209 OF 2021 ✓

Between:

Kunchapu Anjaneyulu @ Kuncham Anjaiah, S/o. late K.Narsimha, aged 40 years Occ: Labour,
R/o. Plot No.2-19 Weaker Section Colony, Saheb Nagar Vanasthalipuram, R.R.District.

...Petitioner/Accused No.1 ✓

AND

The State of Telangana, Rep. by its Public Prosecutor High Court Buildings, Hyderabad.

....Respondent/Complainant ✓

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioner on bail in Crime No.72 of 2021 on the file of P.S., L.B.Nagar, Rachakonda. ✓

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of MR.K.ARVIND KUMAR Advocate for the Petitioner and ASST.PUBLIC PROSECUTOR, (PG) for the Respondent, the Court made the following.

ORDER

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.2209 of 2021

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A1 seeking to grant anticipatory bail in the event of his arrest in Cr.No.72 of 2021 on the file of L.B.Nagar Law and Order Police Station, Rachakonda District, registered for the offences under Sections 286, 336 IPC and under Section 9(B)(1)(b) of Explosives Act, 1884 and under Sections 4 and 5 of Explosive Substances Act, 1908.

2. Heard learned counsel for the petitioner/A1, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioner/A1 would submit that the petitioner is innocent of the alleged offences and he has been falsely implicated in the present crime. He further submits that the petitioner is no way connected with the alleged illegal possession of explosives without any valid license or permission. He further submits that A2 and A3 in the present crime have already been enlarged on bail and as such, the petitioner's bail application may be considered on the ground of parity. He further submits that the petitioner has not involved in any other crime prior to this occurrence and he is a law abiding citizen and ready to abide by any condition that may be imposed by this Court in the event of his enlargement on anticipatory bail.

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

5. As seen from the contents of the complaint, the only allegation against the petitioner/A1 is that he is a contractor undertakes excavation work, and accordingly, he took the contract of removal of boulder in Plot No.8 of one Sri Garlapati Anil Kumar (L.W.4) and paid a sum of Rs.10,000/- to A2 for removing the boulder. Moreover in this case, A2 and A3 have been arrested on the ground that they were using blasting material at the place of occurrence and they have already been enlarged on bail. Thus, looking into the nature of allegations leveled against the petitioner and other facts and circumstances and also in view of peculiar conditions of pandemic COVID-19 prevailing in the country, without delving into the merits of the matter, I am inclined to grant anticipatory bail to the petitioner/A1.

6. The Criminal Petition is accordingly allowed and the petitioner/A1 is granted anticipatory bail subject to the following terms and conditions:

(i) The petitioner/A1 is directed to surrender before the Station House Officer, L.B.Nagar Law and Order Police Station, Rachakonda District, within a period of 15 days from the date of this order and on such surrender, the said Station House Officer shall release the petitioner/A1 on bail on his executing a personal bond to the tune of Rs.50,000/- (Rupees fifty thousand only) with two sureties for the like sum each to his satisfaction.

(ii) On such release, the petitioner/A1 shall appear before the Investigating Officer on 3rd Saturday of every month between 10.00 AM and 2.00 PM, from June, 2021 onwards, till completion of investigation and filing of the charge sheet.

(iii) The petitioner/A1 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

7. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

SD/- I.NAGA LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The II Metropolitan Magistrate at L.B.Nagar, Cyberabad. ✓
2. The Station House Officer, L.B.Nagar L&O Police Station, Rachakonda Commissionerate. ✓
3. One CC to MR.K.ARVIND KUMAR Advocate [OPUC] ✓
4. Two CCs to the PUBLIC PROSECUTOR (TG), High Court at Hyderabad (O/T) ✓
5. One spare copy

HIGH COURT

GSD.J

DATED: 30.04.2021

CRL.P.NO.2209 OF 2021

ANTICIPATORY BAIL

