

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.956 of 2022

ORDER:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused No.4 seeking bail in the event of his arrest in connection with Crime No.259 of 2021 on the file of Bibinagar Police Station, Yadadri-Bhongir District, registered for the offences punishable under Sections 286, 336 IPC and under Section 9(B)(1)(b) of Explosive Act and under Sections 4 and 5 of Explosive Substances Act.

2. The case of prosecution is that on 07.10.2021 at 10.00 hours, on credible information, the Sub-Inspector of Police along with his staff, rushed to the outskirts of Jameelpet Village, Bibinagar, where they found the accused along with the blasting material and compressor tractor, and on enquiry, they revealed that at request of the land owner-A6 through A4, they were preparing to conduct blasting operations with detonators, gelatin sticks, meggar box, a bundle of binding wire and compressor tractor, without obtaining permission from any competent authority and the police seized the said material under a cover of panchanama.

3. Learned counsel for petitioner Mr. M. Sree Ramulu, submits that even as per the complaint, the land belongs to A6, who intends to conduct blasting in his land, and that A6 has deputed the petitioner/A4, who in turn has contacted the other accused to conduct blasting, and accordingly they were planning to conduct blasting operation illegally without obtaining permission from the competent authority. Learned counsel submits that all the allegations are against the other accused and the petitioner is unconnected with the alleged offences. He further submits that the other accused have already enlarged on bail and hence, the petitioner's case may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the investigation is pending and so far, two witnesses were examined and as such, the petitioner is not entitled for pre-arrest bail.

5. Looking at the allegations in the complaint, all the allegations are against the other accused and as far as the petitioner/A4 is concerned, the allegation against him is that A6, who intends to conduct blasting operation, has asked the petitioner and he in turn has approached A1 and A1, without obtaining prior permission from the competent authority, has conducted the blasting operations illegally. Hence, this Court deems it appropriate to grant pre-arrest bail to petitioner/A4.

6. The Criminal Petition is allowed. Petitioner – Accused No.4 shall surrender before the Station House Officer, Bibinagar Police Station, Yadadri-Bhongir District, in connection with Crime No.259 of 2021 within one week from today and on such surrender and executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer, he shall be released on bail. It is made clear that no further extension of time will be granted.

LALITHA KANNEGANTI, J

9th February, 2022

sj

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Date:09.02.2022

sj