

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO. 2358 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/Accused No.2 in the event of his arrest in connection with Crime No.763 of 2021 on the file of Station House Officer, Kushaiguda Police Station, Kushaiguda, Rachakonda registered for the offence punishable under Section 5 of Explosive Substances Act and Section 9(1)(B) of Explosives Act.

2. Heard the learned counsel for the petitioner/Accused No.2 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. It is the case of the prosecution that on 13.10.2021 on credible information the police found explosives being transported in a four wheeler in which Accused Nos.1, 3, 4 and 6 were travelling and found 200 Detonators and 200 Gelatin Sticks which were supplying to Accused No.5.

4. The said explosive Detonators and Gelatin Sticks were purchased from the license holder Accused No.5. On the basis of the confession of Accused No.1 that he along with petitioner/Accused No.2 were running the business of supplying explosive substances, having purchased the same from Accused No.5, the petitioner is arrayed as Accused No.2.

5. Admittedly, the entire material is seized and the basis for showing the complicity of petitioner/Accused No.2 is the confession of Accused No.1. Apart from the said confession of Accused No.1, even according to the learned Assistant Public Prosecutor there is no other evidence. In the said facts and circumstances, this court is inclined to grant Anticipatory Bail to the petitioner/Accused No.2.

6. Accordingly, the Criminal Petition is allowed subject to the following terms and conditions:

i) The petitioner/Accused No.2 is directed to surrender before the Station House Officer, Kushaiguda Police Station, Rachakonda, within a period of ten (10) days from today, and on such surrender, the said Station House Officer shall release the petitioner/Accused No.2 on bail on his executing a personal bond for a sum of

Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties to the like sum each to his satisfaction

ii) The petitioner/Accused No.2 shall appear before the Station House Officer on every Saturday between 08.00 AM and 11.00 AM for a period of three (03) months or till filing of the charge sheet, whichever is earlier.

iii) The petitioner/Accused No.2 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

7. Miscellaneous petitions pending, if any, shall stand disposed of.

K.SURENDER,J

Date :08.04.2022
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