

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.6415 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner who is arrayed as Accused No.3 in the event of his arrest in Crime No.147 of 2022 on the file of Station House Officer, Hasanparthy Police Station, Warangal District registered for the offence punishable under Section 5 of Explosive Substances Act, 1908.

2. Heard learned counsel for petitioner/Accused No.3 and learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The case of the prosecution is that Accused Nos.1 and 2 were found in possession of Detonators and Gelatin Sticks worth of Rs.52,000/-. According to the confession of Accused No.2, he has secured the detonators from this petitioner and sold it to Accused No.1.

4. Learned counsel for the petitioner submits that the petitioner is seeking anticipatory bail on the ground that apart from the confession of Accused No.2 there is no other evidence which is shown by the police. He further states that he was remanded to judicial custody on 13.05.2022 and the present crime was registered a day prior to that i.e. on 12.05.2022.

5. Learned Assistant Public Prosecutor submits that for the reason of the petitioner being involved in two other cases, he is not entitled for the relief of anticipatory bail.

6. As seen from the remand report, apart from the confession of Accused No.2 that he has secured the detonators from this petitioner who inturn sold the same to Accused No.1, there is no other evidence to say that this petitioner has sold detonators to Accused No.2.

7. In the said circumstances, the petitioner/Accused No.3 can be granted the relief of anticipatory bail subject to conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.3 shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/Accused No.3 is directed to surrender before the Station House Officer, Hasanparthy Police Station, Warangal District within one week from today, and on such surrender, he shall be enlarged on bail on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties to the like sum each, to its satisfaction.

ii) The petitioner/Accused No.3 shall appear before the concerned Police Station every day at 09.00 AM for a period of thirty (30) days from the date of his release and thereafter as and when required.

iii) The petitioner/Accused No.3 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

9. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER, J

Date: 27.07.2022
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