THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.10061 of 2021

ORDER:

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/A.5 in connection with Crime No.403 of 2021 of Valigonda Police Station, Rachakonda Commissionerate, wherein the petitioner is alleged to have committed the offences punishable under Sections 286 and 336 read with 34 of the Indian Penal Code and Sections 4 and 5 of the Explosive Substance Act, 1908.

2. The case of the prosecution is that on 05.12.2021 at 1650 hours, on credible information, the Investigating Officer along his staff went to Narsapur Village outskirts in Survey No.155, one of the agricultural land of Gandu Venkat Reddy, and found five persons with explosives ie., gelatin sticks and electric detonators, and they were ready for blasting, without having any permission and authentication for explosion. The police seized the explosive under cover of panchanama. Basing on the said complaint, the present crime is registered.

3. Heard Mr.K.Ramakanth Reddy, learned senior counsel appearing on behalf of the petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned senior counsel submits that the petitioner is unconnected with the alleged offence. Even as per the case of the prosecution, the petitioner is the owner of the land and he has leased out the said property to A.6. In fact, A.6 along with other accused, to remove boulders in the

land, have used the explosives, without any permission. He submits that the petitioner has been implicated in this case falsely. The petitioner is languishing in jail from 13.12.2021. Hence, he requested to grant bail to the petitioner/A.5.

5. On the other hand, learned Additional Public Prosecutor does not dispute the fact that the petitioner is the owner of the land and he was leased out the same to A.6. He submits that both A.5 and A.6 approached A.1 to remove the boulders by blasting illegally. He submits that investigation is pending and so far two witnesses were examined. Hence, at this stage, the petitioner is not entitled for bail.

6. Taking into the consideration the fact that the petitioner is languishing in jail from 13.12.2021 and admittedly the petitioner is the owner of the property and it is leased out to A.6, this Court deems it appropriate to grant bail to the petitioner.

7. Accordingly, this Criminal Petition is allowed. The petitioner/A.5 shall be enlarged on bail on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the Additional Judicial First Class Magistrate, Ramannapet.

As a sequel, all the pending miscellaneous applications shall stand closed.

LALITHA KANNEGANTI, J

Date: 03.01.2022

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