

The Hon'ble Sri Justice B. Vijaysen Reddy

CRL.P. No.4746 of 2023

Order:

This Criminal Petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioner/accused No.2 on bail in connection with Crime No.82 of 2023 on the file of Maripeda Police Station, Mahabubabad, registered for the offence punishable under Section 286 of the Indian Penal Code, 1860 (IPC) and Section 5 of the Explosive Substances Act, 1908.

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

Learned counsel for the petitioner submits that the petitioner is accused No.2 in the aforesaid crime. The only allegation leveled against him is that he was found in possession of explosive substances such as gelatin sticks and detonators used for blasting the boulders and the same were kept in a JCB vehicle bearing

No.TS 26 2909. In fact, no person was injured and the gelatin sticks and detonators along with the JCB vehicle were seized by the police in the course of investigation and the petitioner was arrested on 27.04.2023 and that since then, he has been in jail.

The aforesaid contention of the learned counsel for the petitioner is not disputed by the learned Additional Public Prosecutor.

Taking into consideration the fact that the petitioner/accused No.2 has been in jail from 27.04.2023 and that a major part of the investigation has already been completed, this Court is inclined to grant bail to the petitioner/accused No.2.

Accordingly, the Criminal Petition is allowed subject to the following conditions:

- (i) Petitioner/accused No.2 shall be enlarged on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate at Thorrur.

(ii) The petitioner/accused No.2 shall appear before the Station House Officer, Maripeda Police Station, Mahabubabad on the second and the fourth Sunday of every month between 10:00 AM and 05:00 PM till the filing of the charge sheet.

(iii) Petitioner/accused No.2 shall not tamper with the evidence and shall not influence the witnesses in this case.

(iv) The Station House Officer, Maripeda Police Station, Mahabubabad at liberty to file an application for cancellation of the bail, if the petitioner/accused No.2 violates any of the above conditions.

(v) Petitioner/accused No.2 shall cooperate with the investigation and shall not leave the country without prior permission of the Court below.

Dt: 1st June, 2023
lur

(B. Vijaysen Reddy, J)