

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.12043 & 12044 of 2023

COMMON ORDER:

1. These Criminal Petitions are filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioners/Accused Nos.4 and 2 respectively in Crime No.333 of 2023, on the file of Bhadrachalam Police Station, Bhadradri Kothagudem District, registered for the offences under Sections 143 and 148 r/w. 149, 120b of IPC and 8(1), 8(2) of TSPSA, Sections 5 and 6 of Explosive Substances Act, 1908 and 9(B) (1) (b) (c) of Explosives Act, 1884 and Sections 10, 13, 18, 20 and 39 of the Unlawful Activities (Prevention) Act, 1967.

2. Since the petitioners in both the petitions are accused Nos.4 and 2 respectively in the very same crime, both the petitions are heard together and disposed off by this common order.

3. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.

4. It is alleged that explosive substances were seized by the Police. It was found during investigation that several accused were conspired and associated with CPI Maoists which is a banned organization under unlawful activities Act. The alleged acts of supplying explosive material to the members of CPI Maoists party would amount to being co-conspirator and the acts done by them would amount to offence under the Unlawful Activities Act, Explosive Substances Act and IPC.

5. A-2 was arrested on 14.10.2023 and this petitioner surrendered before the Court concerned on 20.11.2023 pursuant to orders of this Court in CrI.P.No.10785 of 2023 dated 06.11.2023.

6. Learned counsel appearing for the petitioners would submit that at most offence committed by A-2 is one of violation of explosive license which is held by him, as such, he cannot be charged for any other offence under IPC and Unlawful Activities Act. Insofar as A-4 is concerned, he is in fact a Driver. However, the Police have projected him as supervisor of A-2.

7. On the other hand, counters have been filed by the Police in both the petitions.

8. Learned Additional Public Prosecutor would submit that the case is at the stage of investigation and their detention is necessary to unearth the criminal conspiracy and also acts of the accused in handing over explosive substances.

9. Admittedly, even according to the counters, A-4 was the person who was associated to A-2 as a Driver and supervisor and was acting on the instructions of A-2.

10. Keeping in view that the investigation is in progress, this Court deems it appropriate to refuse the prayer for bail insofar as A-2 is concerned. However, since A-4 is a person who was associated as a Driver with A-2, the prayer for regular bail can be considered, subject to following conditions:-

- i) The petitioner/Accused No.4 shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties, for a like sum each to the satisfaction of the Judicial Magistrate of First Class at Bhadrachalam.

ii) The petitioner/Accused No.4 after release shall appear before the concerned Station House Officer on every Monday at 10:00 a.m. for a period of two weeks for the purpose of investigation and thereafter, as and when required.

iii) The petitioner/Accused No.4 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

11. Accordingly, the CrI.P.No.12043 of 2023 is allowed and CrI.P.No.12044 of 2023 is dismissed. Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date : 13.12.2023
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THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.12150 & 12153 of 2023
Dt.13.12.2023

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