

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2031 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – A2 under Sections 437 and 439 of Code of Criminal Procedure (for short “Cr.P.C.) for grant of regular bail in Crime No.38 of 2024 of PS Kothapally, Karimnagar District, registered for the offences punishable under Sections 3 and 5 of Explosive Substances Act, 1908.

2. The case of the prosecution in brief was that on credible information the Sub-Inspector of Police, PS Karimnagar along with his staff proceeded to Sandiya International Granites at Nagula Mallial Village at 17.30 hours and on search in a tin shed, found Gelatin sticks and compressor wire in a cover and a carton box. On enquiry with accused No.1 previously who was present there, he confessed that his owner, the petitioner herein (accused No.2) had purchased the said Gelatin sticks and compressor wire from unknown persons and was using them for utilizing for blasting in his granite quarry. On that, the SI apprehended accused No.1 and seized the explosive material and brought him to the Police Station and registered a suo-motto case.

3. Heard Sri V.Ravi Kiran Rao, learned Senior Counsel representing Sri V.Rohith, learned counsel for the petitioner and the learned Additional Public Prosecutor.

4. The learned Senior Counsel for the petitioner submitted that the petitioner/A2 was one of the partners to M/s Sandiya International Granites, he obtained lease of a quarry at Nagula Mallial village, Karimnagar Mandal, Karimnagar District for a period of 20 years i.e., from 04.02.2010 to 03.02.2030 and entered into agreement with M/s Srinivasa Stone Metal Works represented by one S.Yadagiri (License holder) who was possessing license for conducting blasting operations. The material seized was pertaining to M/s Srinivasa Stone Metal Works, but does not belong to the petitioner. The respondent/police without verifying the facts had implicated the petitioner in a false case. The material was used for quarrying operation but not for any illegal purpose.

5. He further submitted that the petitioner was aged about 66 years and was suffering from several ailments. He was taken into custody on 30.01.2024 and was produced before the medical officer and he was admitted in the hospital for treatment of his ailments. After his discharge on 05.02.2024, he was produced before the learned Additional Judicial Magistrate of First Class, Karimnagar and was remanded to judicial custody and since then he was in District Jail,

Karimnagar. He further submitted that the petitioner was suffering from several life threatening medical conditions and prayed for grant of bail to the petitioner.

6. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner stating that the license holder should conduct the operations but the petitioner should not be in possession of the explosives at his quarry which was in violation of the Act and opposed grant of bail to the petitioner.

7. Perused the record.

8. Perused the quarry lease granted to the petitioner by the Assistant Director of Mines and Geology, Karimnagar as well as the lease agreement entered by the petitioner with M/s Srinivasa Stone Metal Works, the license holder for conducting the blasting operations. As the explosive material seized was kept not for the sake of any unlawful object but for carrying out the quarrying operations and as Sections 3 and 5 of Explosive Substances Act, 1908 would not prima facie attract, it is considered fit for grant of bail to the petitioner/A2.

9. In the result, the Criminal Petition is allowed and the petitioner/A2 is directed to be released on bail on his executing a personal bond for Rs.25,000/- with two sureties each for the like sum to the satisfaction of the Additional Judicial

Magistrate of First Class, Karimnagar. The petitioner/A2 shall comply with the conditions stipulated under Section 437(3) of Cr.P.C.

As a sequel, miscellaneous applications pending in this petition if any shall stand closed.

Date: 27th February, 2024
Mmr/Gvl

Dr. G.RADHA RANI, J

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27.02.2024

Mmr/Gvl