

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2318 of 2024

ORDER:

This Criminal Petition is filed by the petitioner/A1 under Sections 437 and 439 of Cr.P.C. for grant of regular bail in Crime No.38 of 2024 of Kothapally Police Station, 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 30.01.2024 at 17:30 hours, on credible information, the Sub-Inspector of Police, Karimnagar Police Station along with his staff went to Sandiya International Granites at Nagula Mallial Village and on search, in a tin shed found Gelatin sticks and compressor wire in a cover and a carton box. On enquiry, the petitioner/A1 confessed that his owner (A2) had purchased the said Gelatin sticks and compressor wire from unknown persons and was utilizing for blasting in his granite quarry. On that, the Sub-Inspector of police apprehended the petitioner/A1 and seized the explosive material and brought him to the Police Station and registered a *suo moto* case.

3. Heard the learned counsel for petitioner/A1 and the learned Additional Public Prosecutor representing the respondent-State.

4. Learned counsel for the petitioner/A1 submitted that the petitioner/A1 was an employee in the said granite company and he was no way concerned with the subject crime. The police foisted a false case against the petitioner/A1. He further submitted that A2 in the subject crime was granted anticipatory bail by this Court *vide* order, dated 27.02.2024 in Crl.P.No.2031 of 2024 and prayed to enlarge the petitioner/A1 on bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner/A1.

6. Perused the record.

7. Considering that this Court *vide* order, dated 27.02.2024 in Crl.P.No.2031 of 2024, granted bail to A2 observing that A2 was holding a quarry lease and also entered into a lease agreement with M/s.Srinivasa Stone Metal Works, the licence holder for conducting the blasting operations, and 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 to enlarge the petitioner/A1 also on bail for the very same grounds.

8. Accordingly, the Criminal Petition is allowed and the petitioner/A1 shall be released on bail subject to the following conditions:

- 1) The petitioner/A1 shall execute 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 Magistrate of First Class, Karimnagar.
- 2) The petitioner/A1 shall abide by the conditions stipulated under Section 437(3) of Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 29.02.2024
ssp

Dr. G. RADHA RANI, J