

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2832 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – A4 under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of his arrest in Crime No.38 of 2024 on the file of PS Kothapally, Karimnagar District registered for the offence 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, PS Karimnagar along with his staff proceeded to M/s.Sandhya International Granites at Nagula Mallial Village and on search found Gelatin sticks and compressor wire in a cover and a carton box in a tin shed. On enquiry with A1 who was present there, he confessed that his owner A2 had purchased the said Gelatin sticks and compressor wire from unknown persons and was using them for utilizing for blasting in the granite quarry. On that, the Sub-Inspector of Police apprehended A1, seized the explosive material, brought him to the Police Station and registered a *suo moto* case.

3. Heard the learned counsel for the petitioner – A4 and learned Additional Public Prosecutor for the respondent – State.
4. Learned counsel for the petitioner submitted that the petitioner had nothing to do with the alleged offence. He was falsely implicated in the above crime. His name was implicated basing upon the confession of A2. But A2 in his bail application in Criminal Petition No.2031 of 2024 stated that he entered into agreement with M/s.Srinivasa Stone Metal Works represented by one S.Yadagiri, license holder for supply of the explosive material, which was used for blasting operations. A1 and A2 were granted regular bail. A4 had never supplied any explosive material to A2 and prayed for grant of anticipatory bail to the petitioner.
5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner – A4 stating that his earlier bail application was dismissed by this Court on 13.02.2024 vide Criminal Petition No.1562 of 2024.
6. Perused the record.
7. Considering that there were contradictory statements made by A2 wherein he stated in his confession that he purchased gelatin sticks and compressor wire bundles from the petitioner herein, whereas in his bail application, he stated that he purchased the same from M/s.Srinivasa Stone Metal Works represented by one S.Yadagiri, license holder and as the other accused persons A1 and A2 were also

enlarged on bail observing that the explosive material seized was not kept for the sake of any unlawful object, but for carrying out quarry operations and that Sections 3 and 5 of Explosive Substances Act, 1908 would not *prima facie* attract, it is considered fit to grant anticipatory bail to the present petitioner on certain conditions.

8. In the result, the Criminal Petition is allowed and the petitioner – A4 is granted anticipatory bail subject to the following conditions:

(i) The petitioner – A4 is directed to surrender himself before the Station House Officer of PS Kothapally, Karimnagar District within a period of (15) days from the date of this order, and on such surrender, the SHO of PS Kothapally, Karimnagar District shall release the petitioner – A4 on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

(ii) The petitioner – A4 shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

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

Dr. G. RADHA RANI, J

Date: 18th March, 2024
Nsk.