

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3072 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – A3 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 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, PS Kothapally, Karimnagar District 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 A3 and A4 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 and the learned Additional Public Prosecutor for the respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner was falsely implicated. He had never committed the alleged offence. The ingredients of the offences under Explosive Substances Act, 1908 would not attract against the petitioner. He further submitted that A1, A2, A4 and A6 were granted bail by this Court and prayed to enlarge the petitioner – A3 on anticipatory bail.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner – A3.

6. Perused the record.

7. Considering that the name of the petitioner came into light only basing on the confession of A1, wherein he stated that his owner was purchasing the explosive substances since two years from A3 and A4. But A2 in his bail application stated that he entered into an agreement with M/s.Srinivasa Stone Metal Works represented by S.Yadagiri (license holder), who was possessing license for conducting blasting operations, but not from the present petitioner herein and as the other accused persons were also granted bail observing that the explosive material seized was kept not for the sake of any unlawful object, but for carrying out quarrying 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 petitioner on certain conditions.

8. In the result, the Criminal Petition is allowed and the petitioner – A3 is granted anticipatory bail subject to the following conditions:

(i) The petitioner - A3 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 – A3 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 – A3 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: 20th March, 2024
Nsk.