

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15131 of 2024

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of pre-arrest bail to the petitioner who is arrayed as accused No.3 in Crime No.374 of 2024 of Bibinagar Police Station, Rachakonda.

2. The brief facts of the case are that on 24.11.2024 at 13.00 hours, SI of Police along with constables while conducting area patrolling, he received a credible information that some persons to take up blasting work at the back side of AIIMS Hospital, Rangapuram to remove boulders from the site by using explosive substances for construction a canal, without having any valid licenses. Hence, a case was registered *vide* Crime No.374 of 2024 before the Bibinagar Police Station, Rachakonda, for the offences punishable under Sections 288, 125 of BNS and Section 9(B) (1)9(b) of Explosive Act and Section 4 and 5 of Explosive Substances Amendment Act, 2001.

3. Heard Sri S.C.Kumar, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioner *firstly* submitted that though there is no corroborative evidence, the petitioner is falsely implicated in the case only based on the confession statement of accused Nos.1 and 2. He *secondly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He *thirdly* submitted that accused Nos.1 and 2 in the same crime granted regular bail on 10.12.2024 *vide* Crl.M.P.No.491 of 2024 by learned Principal District and Sessions Judge, Bhongir. He *lastly* submitted that no criminal antecedents was pending against the petitioner and prayed the Court to grant of anticipatory bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the investigation is not yet completed, therefore, granting anticipatory bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and material available on record, it apparent that except omnibus allegations there are no specific allegations against the petitioner and further, accused Nos.1 and 2 were already released on bail. It is pertinent to note that material part of the investigation is also completed. Therefore, considering the facts and circumstances of the case, this Court is of the considered view that it is a fit case for granting of anticipatory bail to the petitioner.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer of P.S.Bibinagar, Rachakonda within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioners shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 5:00 P.M., for a period of eight (08) weeks or till filing of charge sheet whichever is earlier.
- iii. The petitioners shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 23.12.2024

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