

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3489 of 2025

ORDER:

This criminal petition is filed by the petitioner/A3 under Sections 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS) seeking anticipatory bail in Crime No.20 of 2025 on the file of Gollapally Police Station, Jagtial District, for the offence punishable under Sections 288, 324(5), read with Section 3(5) of Bharatiya Nyaya Sanhita (BNS), Sections 5 and 9(B)(1)(b) of the Explosives Substance Act.

2. The case of the prosecution is that when Accused No.4 intended to clear soil from agriculture well, he approached Accused No.1 to remove the soil. Accordingly, on 28.01.2025, Accused No.1 along with the petitioner and Accused No.2 went to Accused No.4's agricultural field for removing soil from the well by using gelatin sticks and detonators without having any valid permit and without taking any precautions. Basing on the said complaint, a case in Crime No.20 of 2025 was registered for the above said offences.

3. Heard Sri Pallikonda Aravind, learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioner submits that the petitioner has not committed the offence as alleged by the complainant and he is falsely implicated in the present crime and that the entire allegations were levelled only against the owner of the well. He further submits that the petitioner is a daily wage labour and therefore, the ingredients of Sections 5, 9(B)(1)(b) of the Explosives Substance Act are not applicable to him and that the remaining offences are below seven years. He further submits that the investigating officer has not followed the procedure prescribed under the provisions of Section 35(3) of BNS and the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹. He further submits that the petitioner is eking out his livelihood by doing daily labour work and the entire family is depending on his income. He further submits that the petitioner is ready and willing to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court.

¹ (2014) 8 SCC 273

5. Per contra, learned Additional Public Prosecutor submits that the investigation is not yet completed and that if the petitioner is enlarged on bail, there is every chance of influencing the witnesses and interfering with the investigation.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the petitioner is a daily wage labour and there are no specific allegations levelled against him.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail on the following conditions:

(1) The petitioner/A3 is directed to surrender before the Station House Officer, Gollapally Police Station, Jagitial, within a period of one week from today.

(2) On such surrender, the Station House Officer shall release the petitioner on bail on his executing a personal bond for a sum of Rs.15,000/- (Rupees Fifteen Thousands only) with two sureties for a like sum each to the satisfaction of the said officer.

(3) On such release, the petitioner/A3 shall appear before the Station House Officer, Gollapally Police Station

on every Monday at 11:00 a.m., for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter as and when required for investigation.

(3) The petitioner/A3 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

8. Subject to the above directions, the criminal petition is allowed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 17.03.2025
ES