

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.14421 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who arrayed as accused No.2 in Crime No.230 of 2025 before the Wanaparthy Rural Police Station, Wanaparthy District, for the offences punishable under Section 3 Explosive Substances Act and Section 288 of the Bharatiya Nyaya Sanhita (for short 'BNS').

2. The brief facts of the case are that, on 15.10.2025, the *de-facto* complainant lodged a report with the police stating that, basing on the complaint police constable in the Armed Reserve Force heard loud explosive sounds and when he rushed to the spot, he found two male persons along with a compressor tractor were conducting blasting operations using detonators to remove boulders from agricultural land, without obtaining prior permission from the competent authorities. Basing on the said complaint, the police registered a case for the above said offences.

3. Heard Sri B. Bhagath Sain, learned counsel for petitioner, and Sri E. Ganesh, learned Assistant Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submitted that petitioner is innocent of the said allegations and he is a driver cum owner of the alleged tractor and on request of accused No.2, he went to the said place. Admittedly, there is no license and also the permission obtained by the petitioner to remove the boulders in the said place. He further submitted that the alleged place is not a habitant place to cause danger to the human lives, as such Section 3 of Explosive Substances Act is not applicable to the present case and that the petitioner is aged about 60 years old and is ready to cooperate with the investigation. Therefore, prayed this Court to grant pre-arrest bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the submissions made by learned counsel for petitioner, stating that the allegations leveled against the petitioner are serious in nature and that the petitioner without license and prior permission has blasted the boulders in the alleged place, causing endanger to the lives of the human beings, as such

investigation is required. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. After considering the submissions made by both the learned counsel and reviewing the material available the record, this Court finds that the petitioner herein is the owner cum driver of the tractor and as per the submissions of the learned counsel for the petitioner, the alleged place is not habitant place to cause endanger to the human lives. Considering the facts and circumstances of the case, the petitioner is granted pre-arrest bail subject to compliance of the following conditions:

- i. The petitioner/accused No.2 shall surrender before the Station House Officer, Wanaparthi Rural Police Station, Wanaparthi, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.

- iii. The petitioner/accused No.2 shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 14.11.2025
SRK

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