

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF NOVEMBER 2020

BEFORE

THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL PETITION No.5877 OF 2020

BETWEEN

Gopal Reddy
S/o Narayanreddy,
Age:45 years,
R/o Karinahyakanahalli,
Taluk Malur,
District Kolar -563 130.

...Petitioner

(By Sri. Veeranna G Tigadi., Advocate)

AND

The State of Karnataka,
Rep. by Sub-Inspector of Police,
Malur Police Station, Malur,
Taluk Malur,
District Kolar,
Rep. by State Public Prosecutor,
High Court of Karnataka,
Bengaluru-560 001.

...Respondent

(By Sri.B.J.Rohith, HCGP)

This Criminal Petition is filed under Section 438 Cr.P.C praying to enlarge the petitioner on bail in the event of his arrest in Cr.No.229/2020 of Malur Police Station, Kolar, for the offence punishable under Section 4 and 5 of Explosive Substances Act.

This Criminal Petition coming on for orders this day, the court made the following:

ORDER

Heard both sides.

2. This is a petition filed under section 438 Cr.P.C, the petitioner has sought anticipatory bail as the respondent police has registered an FIR against him in Cr. No. 229/2020 for the offences punishable under sections 4 and 5 of the Explosive Substances Act.

3. The petitioner's neighbour Satish made a report to the police that on 20.9.2020 at about 11.15 AM, there took place a blast in the house of the petitioner. Immediately he went there and the people who had gathered by that time told him that the petitioner was inside the house. He went inside the house of the petitioner and saw him being severely injured. Immediately there took place another blast due to which he also got injured. They were all shifted to R.L.Jalappa Hospital for treatment.

4. On 5.11.2020 this court granted interim anticipatory bail to the petitioner to enable him to take treatment. The High Court Government Pleader submits that the petitioner did not have licence to store explosive substances in his house and therefore the offences under sections 4 and 5 of the Explosive Substances Act get attracted. On the other hand, Sri V.G.Tigadi, learned counsel for the petitioner, submits that the petitioner might not be having licence, but the petitioner might have kept the explosive substances in his house for the purpose of driving away the wild boars. There was no intention to use the explosive substances for illegal purpose. The petitioner is also available for investigation at any time.

5. It is for the prosecution to establish that the petitioner was preparing the explosive substance as has been mentioned in the complaint made by Satish. The petitioner's presence can be secured for the purpose of investigation and moreover he too got injured in the blast that took place on 20.9.2020. For this reason it cannot be

expected that he will flee away from justice. Therefore, there is no impediment for granting anticipatory bail. Hence, I pass the following order : -

- (a) Petition is allowed.
- (b) In the event of arrest of the petitioner by the respondent police in connection with Crime No.229/2020, he shall be released on bail subject to his executing a bond for Rs.1,00,000/- and providing one surety for the likesum to the satisfaction of the concerned court. The petitioner is also subjected to following conditions:-
 - (i) He shall co-operate with the police if his presence is necessary for further investigation.
 - (ii) He shall not involve in any criminal case/s.

- (iii) He shall not threaten the witnesses and tamper with evidence.
- (iv) He shall mark his attendance in the respondent police station every week, preferably on a Sunday between 9.00 AM and 12.00 Noon till trial is over.

**Sd/-
JUDGE**

ckl