



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**CRIMINAL APPLICATION (ABA) NO. 275 OF 2026**

SANJAY CHOUDHARI  
VS  
STATE OF MAHARASHTRA  
AND

**CRIMINAL APPLICATION (ABA) NO. 272 OF 2026**

ALOK CHOUDHARI  
VS  
STATE OF MAHARASHTRA

AND

**CRIMINAL APPLICATION (ABA) NO. 232 OF 2026**

SATYAWATI PARASHAR  
VS  
STATE OF MAHARASHTRA

AND

**CRIMINAL APPLICATION (ABA) NO. 270 OF 2026**

RAVINDRA POKHARNA  
VS  
STATE OF MAHARASHTRA

AND

**CRIMINAL APPLICATION (ABA) NO. 271 OF 2026**

MANOJ KUMAR PRASAD  
VS  
STATE OF MAHARASHTRA

AND

**CRIMINAL APPLICATION (ABA) NO. 210 OF 2026**

KEDAR S/O ARVIND PACHPUTRE  
VS  
STATE OF MAHARASHTRA

AND

**CRIMINAL APPLICATION (ABA) NO. 223 OF 2026**

ALOK AWADHIYA  
VS  
STATE OF MAHARASHTRA  
AND

**CRIMINAL APPLICATION (ABA) NO.268 OF 2026**

SHRAWAN KUMAR  
VS  
STATE OF MAHARASHTRA

|   |                           |
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| Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
|---|---------------------------|

**ABA No. 275/2026**

Shri Mahesh Jethmalani, Senior Advocate a/b. Aditya Chaudhari and Prafull Kumar, Advocates for the applicant.

Shri A.M.Ghogare, APP for respondent/State.

**ABA No. 272/2026**

Shri Pranav P. Badheka, Sr. Advocate a/b. Aditya Chaudhari and Prafull Kumar, Advocates for the applicant(s).

Shri A.M.Ghogare, APP for respondent/State.

**ABA Nos. 232/2026 & 270/2026**

Shri Ravi Sharma, Shri Aditya Chaudhari, Prafull Kumar and Anjali, Advocates for the applicant(s).

Shri A.M.Ghogare, APP for respondent/State.

**ABA No. 271/2026**

Shri Ravi Sharma, Shri Aditya Chaudhari and Prafull Kumar, Advocates for the applicant.

Shri A.M.Ghogare, APP for respondent/State.

**ABA No. 210/2026**

Shri Amol Mardikar, Advocates for the applicant.

Shri A.M.Ghogare, APP for respondent/State.

**ABA No. 223/2026 & 268/2026.**

Shri Adityaa Chaudhari, Advocates for the applicant.

Shri A.M.Ghogare, APP for respondent/State.

**CORAM: RAJNISH R. VYAS, J.**

**RESERVED ON : 23.04.2026**

**PRONOUNCED ON : 27.04.2026.**

All these applications are preferred under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') praying for grant of anticipatory bail in connection with First Information Report/Crime No. 228/2026, dated 01/03/2026, registered with Kalmeshwar Police Station, District Nagpur (Rural) for the offences punishable under Sections 105, 125(a), 125(b), 288 of Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS'). The following

chart shows the posts occupied by the respective applicants:-

| Sr.No. | ABA No.  | Name                    | Posts   |
|--------|----------|-------------------------|---|
| 1      | 275/2026 | Sanjay Choudhari        | Managing Director                             |
| 2      | 272/2026 | Alok Choudhari          | CEO/Director                                  |
| 3      | 232/2026 | Satyawati Parashar      | Lady Non-Executive Independent Director       |
| 4      | 270/2026 | Ravindra Pokharna       | Non Executive Independent Director            |
| 5      | 271/2026 | Manoj Kumar Prasad      | Independent Director (Appointed on 24.5.2024) |
| 6      | 210/2026 | Kedar Arvind Pachaputre | Dy. Manager (Safety)                          |
| 7      | 223/2026 | Alok Awadhiya           | Director                                      |
| 8      | 268/2026 | Shrawan Kumar           | Director                                      |

**Facts:**

2. The criminal law was set in motion on the basis of information supplied by one Mr. Manoj Krishnaji Kalbande, Police Inspector attached to Kalmeshwar Police Station. It is alleged in the FIR that, on 01/03/2026, between 07.00 to 07.30 hours in the morning, the information was received that the explosion had taken place within the jurisdiction of Kalmeshwar Police Station, more particularly in factory Shed No. 16-B of SBL Company, situated in Rahulgaon Shivar. The complainant/informant along with other Police Officers and the Superior Officers, reached and inspected the spot. In a preliminary enquiry, it revealed that, the seventeen (17) workers had died and twenty four (24) workers had either received the grievous or simple injuries.

3. Accordingly, the Marg No. 20/2026 under Section 194 of the BNSS was registered on 01/03/2026. Since the identification of seventeen (17) workers who died in the accident could not be

established, the blood samples of the relatives, as well as the samples of the deceased, were collected and forwarded for identification.

4. During the course of inquiry into Marg, to know the cause of the explosion, the correspondence was exchanged with the Chief Controller of Explosives, Gondkhairi, Nagpur, and the Directorate of Industrial Safety and Health (DISH), Nagpur. The Deputy Controller of Explosives, Nagpur, as well as DISH, then gave the reasons for the explosion, which are mentioned in the FIR, reproduced as under:-

*“1) Special precaution to avoid accident/explosion/fire in or about any place where an explosive is manufactured/stored was not taken by the firm.2) Explosive processed in the building were not immediately removed/shifted to the next process building / explosive magazine. The firm allowed explosives to accumulate in the subject building.*

त्याचप्रमाणे औद्योगिक व सुरक्षा व आरोग्य संचनालय (डिश) नागपूर यांनी विस्फोटकाचे कारण खालीलप्रमाणे दिले आहे.

*Probable case of accident - It seems that this explosion occurred in the packing section of the building. This explosion further detonate the stored NONELS in the packing area as well as the detonators and shock tubes kept for crimping in the crimping cubicals. The fire initiated after explosion further engulfed the shock tubes stored for crimping. Due to this explosion / fire multiple fatalities and injuries have accrued in the NONEL crimping plant building no. 16 B/14.*

याच प्रकारे डिश यांनी त्याचे अहवालात महाराष्ट्र फॅक्ट्री रूल व फॅक्ट्री अधिनियम मध्ये नमुद असलेले नियमाचे व कलमांचे विविध प्रकारे उल्लंघन केल्याचे नमुद केलेले आहेत. डिश यांनी सदर कंपनी मध्ये दिनांक 21/06/2024 रोजी भेट देवुन कंपनी सुरक्षा नियमांचे उल्लंघन करणे संबंधाने मुद्दे सुचविले होते. त्या नियमांचे पुर्तता संबंधाने आज दिनांक 01/03/2026 च्या प्राथमिक निरीक्षण मध्ये

खालील बाबींचे उल्लंघन केल्याचे दिसून आल्याचे नमुद केले आहेत.

- 1) *Not complied (Risk assessment not carried out)*
- 2) *Not complied (Fire trailer pump is not provided)*
- 3) *Not complied (Only one safety officer Shri Kedar Panchputre is appointed instead of two safety officers)*
- 4) *Not complied (Factory medical officer is not appointed)*
- 5) *Not complied (leave with wages records are not submitted to DISH office)*
- 6) *Not complied (Flameproof CCTVS are not installed.)*
- 7) *Not complied (Internal safety audit is not submitted to DISH office.)*
- 8) *Partially Not complied (Medical health check up conducted on 14/02/2025 through certifying surgen Dr. Shashank Dandge for 183 workers out of 809 workers.*
- 9) *Not complied (No training records submitted to DISH office)”*

5. It was thus alleged in the FIR that all the accused persons named in the FIR, ignoring the directions given by the DISH as well as the Petroleum and Explosives Safety Organisation (PESO), did not comply with the same and though they had knowledge that due to non-compliance, a human life could be lost, the work in the company was allowed to be continued.

6. The said accident took place in NONEL Crimping Unit NO. 16-B of the Company. It is this information that triggered the investigation.

### **Arguments By Applicants**

7. Heard Mr Mahesh Jethmalani and Mr Pranav Badhekha, the learned Senior Counsels and the learned respective counsels for the applicant(s). They argued the following points:-

- i) The applicants were not present on the spot when the accident had taken place, and thus, the ingredients of Section 105 of BNS are not attracted.
- ii) They had no knowledge about the deficiencies pointed out.
- iii) The knowledge cannot be attributed to them.
- iv) The concept of vicarious liability is unknown to criminal law unless and until specifically introduced by the Act.
- v) The custodial interrogation of the applicants is not required.
- vi) It is the occupier who is responsible under the Factories Act and not every Director, the Managing Director, or the employee.
- vii) The police authorities have acted maliciously.
- viii) *Prima facie* case against them is not made out.
- ix) To attract the ingredients of the said offence, something more positive than a mere omission, lapse or negligence on the part of the named accused will have to be present, and such statements are conspicuously absent in the FIR filed in the present case.
- x) So far as arguments in Criminal Bail Application (ABA) No. 223/2026 are concerned, the following points were raised:
- xi) The accused Alok Awadhiya, though he is shown as a Director of the Company, the sequence of events would reveal that he was, in fact, a Director on paper only. To support his contention, he has taken me to page 128 of the application and contended that initially, the Director of Factories and Boilers, Orrisa, had issued a

Registration and Grant/Renewal of License in the name of Alok Awadhiya to work in a factory under the name of M/S. Mahanadi Metals and Chemicals Pvt. Ltd. The said factory manufactured slurry explosives by a mixing process, and a license was issued for the period 1.1.2022 to 31.12.2031.

xii) The learned counsel for the accused named Alok then argued, relying upon page 129 of his application, that he was appointed as an occupier of Mahanadi Metals for the period 10.2.2022 till 31.3.2027. The said Mahanadi Metals and Chemicals Pvt. SBL Energy Limited thereafter purchased Ltd, and a copy of the Asset Purchase Agreement was executed on 22.2.2024. The said agreement was duly signed by the accused, Alok Awadhiya, and the Director of SBL Private Limited, Alok Choudhary.

xiii) He then contended that it is due to this reason that the purchase of Mahanadi Company, the applicant, was inducted as Director of SBL Energy so that the license granted to him would be continued till a further period.

xiv) He made an additional submission that the applicant was appointed as an occupier for a plant in Raurkela and was not at all concerned with the operations which were carried out at Nagpur.

xv) So far as the applicant in Criminal Application (ABA) No. 268/2026 by name Shravankumar is concerned, it was argued that he came to be appointed as a Director of SBL Company in December, 2025 with a view to appointing him as an occupier with the plant proposed to be opened in the town of Churu (Rajasthan). The learned counsel then invited my attention to page 148 of the Criminal Application filed by accused Alok Awadhye, and contended

that the Board of Directors, at a Board Meeting held on 30.12.2025, had considered and approved the appointment of applicant Shrawankumar as an Executive Director of the Company. He also drew my attention to page 149, which contains the Resolution passed at the Board of Directors' meeting on 30.12.2025, to consider and appoint him as an Occupier of the proposed manufacturing plant situated in Churu (Rajasthan). He then contended that the aforesaid two Resolutions would clearly reveal that the intention behind impleading the accused Shrawankumar as a Director was with a view to look after the proposed manufacturing plant at Churu (Rajasthan), as an occupier.

xvi) The learned counsel has then contended that the Board of Directors were serious enough to remove the deficiencies, and they, in fact, removed the deficiencies and a report to that effect is also submitted by B.K. Son Consultant. He submitted that if the report is submitted to SBL Energy Limited by B.K. Upon further review, it would reveal that the risk assessment, which was earlier shown to be high, was diluted to "low".

xvii) He fairly admitted that this report was not submitted to the competent authority before the incident, which was not intentional. He then contended that documents filed on record, more particularly, page 189 to 281 of Criminal Application (ABA) No. 223/2026 show that training was given to all the workers who were handling the duties assigned to them in plant 16-B where incident taken place and the training record gives details about the training particulars, department, plant, date of training, name of workers and signature of them. According to him, this clearly refutes the prosecution's case. He submitted that though these documents were

not submitted before or at the time of the incident, they were subsequently forwarded.

xviii) The learned counsel for the applicant then argued that if the say filed by the Investigating Agency before the Sessions Court is perused, it will reveal that the application was opposed on the ground that the accused was an adult and Director of the Company. Due to his failure to fulfil the responsibilities, which were his duties, there was a loss of life. He further contended that in reply to oppose the Bail Application before the Sessions Court, the Investigating Officer has stated that it needs to be investigated whether the applicant has committed such a mistake intentionally or not. Thus, the learned counsel argued that the prosecution itself is unsure of its case.

xix) The learned counsel then invited my attention to page 282 of Criminal Application (ABA) No. 223/2025, which is issued by DISH to the Occupier/Manager of SBL Energy Limited, dated 11.8.2025 and has contended that point 9 clearly shows that an external safety audit was conducted on 27.1.2024 and 28.1.2024 through External Safety Auditor Shri Dnyanesh Mase. He further relied upon clause 10 to argue that a mock drill was conducted on 13.4.2024 and a Safety Committee Meeting was conducted on 27.7.2025.

xx) He also submitted that at that time, two Safety Officers by name Shri Kedar Panchputre and Shubham Chaudhary were working as Safety Officers, but subsequently, Shubham Chaudhary resigned on 13.9.2025. According to him, thereafter, though, the company has tried its best but could not secure the services of a Safety Officer and consequently could not appoint one. He submitted that the

applicants have no criminal antecedents and there is no question of tampering with the evidence. According to him, the applicant has never visited the factory premises, much less the city of Nagpur.

8. The workers are also paid the amount of compensation.

9. Insofar as applicant Satyawati in ABA 232/2026 is concerned, so also, applicant Ravindra Pokharna in ABA No. 270/2026 is concerned, they claim to be Non-Executive Independent Director of the company in question. Additionally, applicant Satyawati has contended that she is suffering from stage-III of breast cancer and, for that, has relied upon two documents, i.e. a report of All India Institute of Medical Sciences, Raipur, dated 17.11.2025 and the liver function test, and report of renal function test dated 11.10.2025. It is also stated that presently, she is undergoing an intensive and specialised treatment in chemotherapy, which has severely compromised her immune system.

10. Both these applicants have contended that since they were appointed as Non-Executive Independent Directors, they are absolutely not responsible for the incident that had taken place. It was further argued that they are paid on a meeting-by-meeting basis and therefore cannot be held responsible for the day-to-day affairs of the company. Further applicant Manoj in criminal anticipatory bail application 271/ 2026 has also contended that he is the independent director of the company and was inducted on 24. 5.2024.

11. In order to support their stand that they are independent directors, all these three applicants have relied upon page 110 of

ABA no. 271/2026 showing details given by the Ministry of Corporate Affairs.

12. They have relied upon the judgment passed by the Coordinate Bench of this Court at Aurangabad in Cri. Application No. 1281/2020 in the case of Sunny s/o. Guruparshad Sharma Vs. The State of Maharashtra and others contend that a Non-Executive Director is not in the company's whole-time employment. They have further contended that Section 149(12) of the Companies Act speaks about the company having a Board of Directors and by clause (12), which is reproduced as under, crystallises the role of Non-Executive Director:

Section 149 – Company to have Board of Directors.

(1)....

(2)....

(12) Notwithstanding anything contained in this Act -

(I) an independent director;

(ii) a non-executive director not being promoter or key managerial personnel, shall be held liable, only in respect of such acts of omission or commission by a company which had occurred with his knowledge, attributable through Board process, and with his consent or connivance or where he had not acted diligently.

13. According to them, thus, a Non-Executive Director not being a “promoter” or a “key managerial personnel” can be held liable only in respect of such acts of omissions or commissions by a company which had occurred (i) with his knowledge, “attributable through board process” and with his consent or connivance or (ii) where he had not acted diligently.

i) Mr. Amol Mardikar, appearing for the applicant Kedar Pachaputre, in ABA 210/2026, who has argued for original accused no. 6, has not only adopted the arguments advanced as stated above but on 23.4.2026 has also argued that accused Kedar was appointed as a Deputy Manager (Safety) by appointment order dated 4.3.2024 and his appointment order, more particularly clauses 3 and 5 limits his duties. According to him, under clauses 3 and 5 of the appointment order, as an employee of the company, he was required to maintain confidentiality. He was also responsible for the team's tasks, operations, and the results of assigned targets.

ii) He, to support the claim of anticipatory bail, has contended that, in fact, on the day of the incident, he was travelling along with his family members to Tirupati and, for that, has relied upon the electronic reservation slips. Mr Mardikar has further contended that he was never concerned with the activities that were carried out in the section/area 16B, where the accident took place. According to him, his custody is also not required, as everything is already seized. He argued that, though a standing warrant had been issued against him much earlier, he was before the Sessions Court seeking anticipatory bail.

iii) He also invited my attention to the order passed by the Coordinate Bench of this Court in Bail Application No. 447/2026, by which the regular bail was granted to some of the employees who were not concerned with the operation which was carried out in factory shed 16B. He thus prayed for the application to be allowed.

**Arguments by the State:**

14. Per contra, the learned APP for the State has argued as under:-

i) A *prima facie* case is available against the accused persons/applicants.

ii) The custodial interrogation is necessary, and the accused are influential persons.

iii) Before this incident, an incident had also taken place in the factory wherein workers had sustained injuries.

iv) Despite calling upon the occupier/Manager of SBL Energy Limited by the DISH through communication dated 01/07/2024, the deficiencies were not removed.

v) A communication dated 01/07/2024 is based on the visit to the factory premises on 21/06/2024. Thus, the accused persons knew that, if the deficiencies were not removed, it was likely to cost human lives.

vi) Just because the compensation is paid, that would not dilute the criminal liability . Till today, a total of 26 persons succumbed to injuries, including 22 women.

vii) The statement of the workers, many of whom are injured, is recorded during the course of the investigation, which shows that the training was not given to them for handling the hazardous material. The learned APP has also contended that there is non-compliance with Section 166 of the Companies Act.

15. The learned APP, to oppose an application preferred by the accused Kedar Pachaputre, has argued that he was the sole Safety Manager appointed in the factory and it was his obligation also to remove the deficiencies pointed out in the communication issued by DISH. The learned APP has contended that the steps Mr Kedar has taken to ensure the safety of the work have not been brought on record, which shows that he has not performed his duty. According to the learned APP, whether applicant Kedar was travelling on the date in question can be decided in the present proceedings, and even otherwise, it would not be a ground to shrink the responsibilities.

16. He further submitted that under Maharashtra Safety Officer (Duties, Qualifications and Conditions of Service) Rules, 1982, it is the duty of the Safety Officer as enshrined under Rule 8, which is reproduced as under:

Rule 8(1) – The duties of the Safety Officer shall be to advise and assist the factory manager in the fulfillment of its obligation statutory or otherwise, concerned, prevention of personal injuries and maintaining working environment.

These duties shall include following:  
namely.....”

He thus prayed for rejection of application.

17. According to the learned APP, though, under Section 172 of the Companies Act, four board meetings are required to be conducted in one calendar year, from June, 2024 till 1.3.2026, no material has come on record as to how many meetings were conducted.

18. According to him, the occupier of the factory was earlier prosecuted for injuries sustained by the workers in the factory premises in June 2024 and therefore, saying that the Directors and Managing Directors were not aware of the incident, would not appeal to a man of ordinary prudence. He further submitted that the communication issued by DISH on 21.6.2024, though addressed to the Factory Manager, cannot be said to have been in the applicants' knowledge, as any mode can impart knowledge.

19. The communication dated 3.12.2025, issued by the Dy. Superintendent of Police (Home), Office of Superintendent of Police (Rural), Nagpur, would reveal that a report was submitted for the rejection of the renewal of License No. 1/Form 2/Arms/2001/NR for the applicants for Sulfur, Ammonia, Perchlorate, Sodium Perchlorite and Potassium Chloride.

20. He further submitted that the incident had taken place in packing unit 16B, which shows that the product was at the final stage. High standards of precaution and safety measures were required.

21. On the day of the incident, the authorities had visited the spot of the incident and had found several deficiencies.

22. He then relied upon the judgment delivered by the Co-ordinate Bench of this Court, in Criminal Application (ABA) No.

375/2024 (Ritu w/o Dinesh Malu Vs. State of Maharashtra, thr. PSO, Tahsil, Nagpur), dated 26.6.2024, more particularly, paragraph 25.

23. The learned APP submitted that a standing warrant is also issued against the accused. But he submitted that against one of the accused it is already stayed. To point out the deficiencies, he has specifically mentioned in paragraph 5 of the affidavit-in-reply dated 2.4.2026 in ABA No.210/2026 and also other ABA's which are reproduced as under:

| Sr. No. | List of Contraventions  | Current Status  |
|---------|---|---|
| I       | Rule 4(3) of the Maharashtra Factories Rules, 1963  | Not complied (Risk assessment not carried out).   |
| II      | Rule 71-B(2) of the Maharashtra Factories Rules, 1963                                       | Not complied (Fire trailer pump is not provided)  |
| III     | Section 40-B(1)(ii) of the Factories Act, 1948  | Not complied (only one safety officer Shri Kedar Panchputre is appointed instead of 2 safety officers). |
| IV      | Clause 8-A of the Schedule XII annexed to Rule 114 of the Maharashtra Factories Rules, 1963 | Complied (Flange guards to acide piplines are provided).  |
| V       | Rule 73W(1)(c)(i) of the Maharashtra Factories Rules, 1962                                  | Not complied (Factory medical officer is not appointed).  |
| VI      | Rule 73-X(1) of the Maharashtra Factories Rules, 1963                                       | Complied (One ambulance van Reg no. MH40CT5601 is provided)   |
| VII     | Rule 73W(1)(c)(ii) of the Maharashtra Factories Rules, 1963                                 | Complied (OHC is provided)  |
| VIII    | Rule 105(1) of the Maharashtra Factories Rules, 1963  | Not complied (Leave with wages records are not submitted to DISH office).                               |

|      |   |   |
|------|---|---|
| IX   | Rule 2(1) of the Maharashtra Welfare Officer (Duties, Qualifications and Conditions of Service) Rule, 1966 read with Section 49 of the Factory Act, 1948. | Complied (One welfare officer Shri Vikas Mishra is appointed)   |
| X    | Rule 10(4)(a) of the Maharashtra Factories Rules, 1963  | Not complied (Flameproof CCTV are not installed)  |
| XI   | Rule 3(a) of the Maharashtra Factories (Safety Audit) Rules, 1963   | Not complied (internal safety audit is not submitted to DISH office)  |
| XII  | Rule 4(2) of the Maharashtra Factories Rules, 1963  | Complied (Revised plan dated 20.10.2025 is approved).   |
| XIII | Rule 18-A of the Maharashtra Factories Rules, 1963.   | Partially not complied (Medical health check up is conducted on 14.2.2025 through certifying surgeon Dr. Shashank Dandge for 183 workers of of 809 workers) |
| XIV  | Section 41C(b) of the Factories Act, 1948   | Not complied (No training records submitted to DISH office).  |

### **Rebuttal By The Applicants:**

24. In rebuttal, Mr Mahesh Jethmalani, learned Senior Counsel, has argued that for showing involvement of the applicants, there has to be some positive act on the part of the applicant. According to him, there must first be a duty imposed by law, a breach of that duty, and the fact that failure to perform the duty has resulted in an accident. The prosecution must show the sequence based on material that has not been disclosed.

25. He then invited my attention to Section 32 of IPC, corresponding Section 3(iv) BNS and contended that the

prosecution will have to show that there were illegal omissions on the part of the applicant.

26. He also submitted that duties cast upon the Directors under the Companies Act are general in nature and are limited to the Companies Act itself.

27. He has also invited my attention to Section 80 of the IPC corresponding to Section 18 of the BNS and contended that nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge in doing a lawful act in a lawful manner by lawful means and with proper care and caution. According to him, no investigation has been conducted to rule out the possibility that it was an accident.

28. Mr Jethmalani, learned Senior Counsel and Mr Pranav Badheka, learned Counsel, relied upon the judgments passed by the Hon'ble Apex Court and High Court, along with the other applicants, to support their contention. Those judgments would be considered in the later part of this order.

29. Mr Pranav Badheka, in rebuttal, has argued that the negative facts cannot be proved by the applicant and therefore, asking applicants to show that they were not aware of the communication pointing out deficiencies is something unknown to the law.

30. He submitted that the earlier FIR in which the two workers

had sustained injuries was filed against the supervisor, and this time, all the Directors were impleaded along with a few employees.

31. According to him, prosecution cannot say that the applicants are absconding. However, a standing warrant and a lookout notice were issued against them since the applicants were prosecuting their legal remedies and were before the Sessions Court or this Court, praying for anticipatory bail.

32. As the learned Counsels cited the various judgments for the applicants. It would also be necessary to deal with the same. All the learned counsels have relied upon the following judgments. Though leading to advanced arguments regarding the applicability of the judgments was taken by learned Senior Counsel Shri Mahesh Jethmalani and Mr Pranav Badheka, other Counsels have also taken efforts to convince the Court about applying the ratio to the present case. The following judgments were relied upon:

- i) *Sushil Ansal Vs. State through Central Bureau of Investigation, (2014)6 SCC 173;*
- ii) *Sunny s/o Gurparshad Sharma Vs. The State of Maharashtra, Cri. Appln. No. 1281 of 2020;*
- iii) *Sunil Bharti Mittal Vs. Central Bureau of Investigation, (2015) 4 SCC 609;*
- iv) *Keshub Mehendra Vs. State of M.P. (1996) 6 SCC 129;*
- v) *Shiv Kumar Jatia Vs. State of NCT of Delhi, (2019) 17 SCC 193;*
- vi) *Gudikanti Narsimhhulu and Ors Vs. Public Prosecutor, High Court of Andhra Pradesh, (1978) 1 SCC 240;*

- vii) *Sharad Kumar Sanghi Vs. Sangita Rane, (2015)12 SCC 781;*
- viii) *Bhalchandra and Anr Vs. State of Maharashtra, AIR 1968 SC 1319;*
- ix) *Hitendra Vishnu Thakur and Ors Vs. State of Maharashtra, (1994)4 SCC 602;*
- x) *Shantibhai J. Vaghela and anr Vs. State of Gujarat and ors, (2012) 13 SCC 231; paras 14,15,25 were relied upon.*
- xi) *P.B. Desai Vs. State of Maharashtra and anr, (2013) 15 SCC 481;* paragraphs 29 to 33.
- xii) *Pavneet Singh Sethi and Ors Vs. The State of Maharashtra, (2017) SCC OnLine Bom 9108;*para 9 and 10
- xiii) *Yuvraj Laxmilal Kanther and anr Vs. State of Maharashtra, 2025 SCC OnLine SC 520;*paragraphs 4.1, 4.3, 12.4, 13,14, 17 and 17.2 were relied upon.
- xiv) *Rohit Ramchandra Kad Vs. State of Maharashtra (ABA No. 1455/2023).*paragraphs 13 to 16.

**Analysis And Reasoning:**

33. In the aforesaid background, I have heard respective counsels and have given thoughtful consideration to the arguments advanced.

34. Since the present applications are for anticipatory bail, the parameters for deciding the bail are required to be taken into consideration.

35. The Hon'ble Apex Court in the case of (I) **Siddharam Satlingappa Mhetre V/s. State of Maharashtra and ors. { AIR 2011 SC 312}**, has dealt with the scope of Section 438 of the Code of Criminal Procedure and parameters for granting anticipatory bail.

The parameters for grant of anticipatory bail in the light of the aforesaid judgment can be said to be:

1. Nature and gravity of the offence
2. Severity for punishment is prescribed.
3. Prima facie case.
4. Possibility of Absconding
5. Likelihood of tampering with evidence or influencing a witness.
6. Criminal antecedents.
7. Stage of investigation or trial.
8. Health, age, and humanitarian considerations.
9. Larger interest of justice (balance between personal liberty and societal interest)

36. The main argument is that, simply because the applicants are Directors or employees, and one of them is the Managing Director, they cannot be held responsible under the principles of vicarious liability.

37. At this stage, it is necessary to mention here that the question is not whether the applicants are vicariously liable or not. The question is whether the averments made in the FIR and the material on record prima facie make out the offences against the applicants.

38. The offences in FIR are Section 105 of BNS, which speaks about punishment for culpable homicide not amounting to murder.

Section 125(a) speaks about an act endangering the life or personal safety of others. Section 125 clauses (a) and (b) prescribe punishment for hurt and grievous hurt. Section 288 concerns negligent conduct involving an explosive substance.

39. It is not in dispute that the factory in which the unit was situated was dealing with a hazardous process. The hazardous process is defined under the Factories Act, 1948, more particularly, in Section 2(cb), which reads thus:

*Section 2(cb) - "hazardous process" means any process or activity in relation to an industry specified in the First Schedule where, unless special care is taken, raw materials used therein or the intermediate or finished products, bye-products, wastes or effluents thereof would-*  
*(i) cause material impairment to the health of the persons engaged in or connected therewith, or*  
*(ii) result in the pollution of the general environment:*

*Provided that the State Government may, by notification in the Official Gazette, amend the First Schedule by way of addition, omission or variation, of any industry specified in the said Schedule.]*

40. If, in this background, it is considered that earlier also, the incident had taken place in which two workers were injured, and the FIR was registered, then it would reveal that the earlier FIR, though lodged against the Supervisor of the factory, was not seriously taken into consideration by the Managing Director, Directors and Safety Officers. Further, the communication issued by DISH on 21.6.2024, which pointed out several serious deficiencies, was also not addressed with the seriousness it deserved. The fact remains that the statements of the workers who worked in the Unit

shows that they were never given any training to handle hazardous goods/substances.

41. Just because the communication dated 21.6.2024 is addressed to the Factory Manager, it would not mean that the applicant cannot be named in the FIR as an accused, and it would be the occupier only who can be said to be responsible under the Factories Act. Most of the Sections of the Factories Act deal with regulatory breaches, whereas the BNS penalises illegal acts.

42. The communication dated 3.12.2025, issued by Deputy Superintendent of Police (Home), Nagpur (Rural), addressed to District Collector, Nagpur, shows that in the License No.01 regarding the factory at mouza Kotwal Bardi, Survey No. 116/01 of the SBL company report was submitted for rejection of renewal. This shows that the applicants turned a blind eye to the deficiencies. The contention of the learned counsels that deficiencies were not pointed out to them and, therefore, they cannot be held responsible, ignores the fact that the scope of Section 482 of the BNS does not permit a minute examination of the material. Once it is clear that on 21.6.2024 deficiencies were pointed out to the occupier/one of the Directors, the manner in which the said Director apprised the other Directors would be the matter of investigation. Contending that the applicants were unaware of the said deficiencies would not be sufficient.

43. The learned Senior Counsels, as also other counsels, have argued about the applicability of the offence about culpable

homicide not amounting to murder and contended that a positive act is required to be attributed to the applicants. In this regard, it is necessary to state that even according to the definition clause, i.e. Section 2(1), “act” denotes as well a series of acts as a single act. Sub Section (25) of Section 2 defines “omission” as well as a series of omissions as a single omission. According to Section 3(4) of BNS, words which refer to acts done extend also to illegal omission.

44. In this regard, it is necessary to go through the provisions of Sub Section 15 of Section 2 of the BNS Act, which reads as follows:

*Section 2(15) “illegal” and “legally bound to do”.- The word “illegal” is applicable to everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action; and a person is said to be “legally bound to do” whatever it is illegal in him to omit;*

*Corresponding Law. - Section 2(15) corresponds to section 43 of the Indian penal Code, 1980.*

45. The aforesaid provisions clearly show that, the term, illegal applies to everything which is prohibited by law or which furnishes ground for civil action. The law prohibited handling hazardous substances without proper precautions and care. Thus, the manner in which the workers were given work who had absolutely no training shows they were exposed to danger. Just because the Company has also suffered losses does not mean human life is less important than anything else.

46. Mr Jethmalani, the learned Senior Counsel, has argued about the applicability of Section 18 of the BNS Act. Suffice it to say that

the said Section would be applicable when the offence is done by accident or misfortune and without any criminal intention or knowledge in doing “a lawful act” in “a lawful manner” by “lawful means” and with proper care and caution.

47. Thus, it cannot be said that asking workers who were not properly trained to handle hazardous material for the unit would be lawful, given the proper care and caution.

48. So far as the applicant named Kedar Pachaputre is concerned, it is not disputed that he was Dy. Manager (Safety). The State, through the learned APP, has taken a specific stand that he was the only Safety Officer in the factory and, therefore, responsible for ensuring that there were no deficiencies that would be essential to maintaining a safe working environment. Even if, for the sake of argument, it is presumed that the applicant was travelling on the date of the incident, that would not be a ground enough to extend him the benefit of the anticipatory bail.

49. A fact cannot be ignored that he was duty-bound under the rules of 1982 (stated supra) to advise and assist the Factory Manager in fulfilment of its obligation, statutory or otherwise, concerned with the prevention of personal injuries and maintaining a safe working environment. Thus, prima facie, material is available against the applicant. The issuance of a standing warrant must also be considered. The fact remains that, to this date, nothing has been brought on record to show that the standing warrant has been challenged by taking appropriate proceedings.

50. The applicant's contention that the incident didn't happen in their presence and they are not responsible overlooks the fact that when culpable homicide not amounting to murder is committed, the accused doesn't necessarily have to be present at the scene. For instance, the illustration in Section 100 of the BNS, which is reproduced here, would make this point abundantly clear.

*Illustration - (a) A lays stick and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in and is killed. A has committed the offence of culpable homicide.*

Thus, the said argument will not assist the applicants.

51. The second contention that the applicants were unaware of the deficiencies was also unsubstantiated. It is evident that an FIR was registered against the Supervisor earlier, when a factory worker sustained injuries. The communication dated 1.7.2024, issued by the Deputy Director, Industrial Safety and Health, Nagpur, to the occupier/Manager of SBL Energy Limited, further supports this. The Directors cannot evade their responsibility by claiming ignorance of this communication. The manner in which it was brought to their attention would be a matter of investigation. Since the "act" includes "omission" and a breach of statutory duty in a hazardous unit, the applicants, prima facie, would fall within the ambit of Section 100 of the BNS.

52. So far as the non-applicability of the concept of vicarious liability is concerned, it is nobody's case that the applicants are

vicariously liable. Since Section 105 is already invoked, it can be said that the police officer has, prima facie, found that the applicants have “knowledge” that non-removal of deficiencies pointed out in the communication dated 1.7.2024 is likely to cause death.

53. So far as the question of custodial interrogation is concerned, it falls within the jurisdiction of the Magistrate.

54. The submission that the occupier is responsible under the Factories Act and not the applicants ignores the fact that the offences are committed under the Bharatiya Nyaya Sanhita, 2023 and not under the Factories Act. As regards the question of malafides alleged against the police, as earlier, when the blast had taken place in different companies, Section 105 was not invoked; suffice it to say that, in itself, it would not be a ground for granting anticipatory bail, more particularly when no specific material is brought on record.

55. The learned counsel for the applicants in ABA 232/2026, 271/26, and 270/2026 argues that they are Independent Directors and therefore cannot be held responsible. The contention deserves to be accepted since while independent directors are expected to uphold corporate governance standards, their criminal liability does not arise solely from their designation. To establish criminal liability, as per Section 149(12) of the Companies Act, it must be proven that the alleged act or omission occurred with their knowledge, attributable through board processes, and with their

consent, connivance, or lack of due diligence.

56. The applicant Satyawati's claim that she is battling stage III cancer and undergoing chemotherapy is also be taken into consideration.

57. So far as the contention of other applicants that the report of B K Sons shows that deficiencies were fulfilled, the same cannot be taken into consideration, as the applicants had admitted that the said report was submitted after the incident.

58. The contention of applicant Mr Alok Awadhiya that since he was appointed as an occupier of M/s. The SBL Company purchased Mahanadi Metals, and the said company was therefore inducted as a Director of SBL. However, the defence of the accused, based on documents of a private nature (an agreement between Mahanadi and SBL), cannot be taken into consideration while deciding anticipatory bail.

59. The contention of the applicant in ABA No. 268/2026 by name Shrawan Kumar that with a view to appoint him as an occupier with the plant proposed to be opened in Rajasthan, he was appointed as a Director of SBL Company in December 2025, is nothing but the stand taken by way of defence by him. The fact cannot be ignored that he was the Company's Director.

60. As regards the contention that an external safety audit was

conducted on 27.1.2024 and 28.1.2024, which shows that the company was serious, it ignores the status report dated 1.3.2026 submitted by DISH. The applicants cannot be choosy about removing the deficiencies.

61. The further contention of the applicant accused that earlier two safety officers by name Kedar Pachaputre and Shubham Choudhary were appointed, but Mr Choudhary resigned on 13.9.2025, and thereafter, they could not appoint a safety officer, which further shows the manner in which seriousness was shown to the safety of the workers. If the law mandates the appointment of two officers, then the safety officers ought to have been appointed. Further, nothing has been brought on record to show that any effective steps were taken to appoint the safety officer, and, despite that, the candidate did not appear.

62. Coming to the various judgments cited by the learned Senior Counsels, the same are discussed herein below:

i) In the case of *Shantibhai J. Vaghela*, two boys of 10 years and 9 years were residential students in the Ashram. On 3.7.2008, they went missing, and on 5.7.2008, their bodies were discovered in the bed of the river. Finally, on 7.11.2009, the FIR was lodged naming 7 Ashram inmates for an offence punishable under Section 304 read with Section 34 of the Indian Penal Code and under Section 23 of the Juvenile Justice Act. Challenging the registration of FIR, the accused preferred an application before the Hon'ble Gujarat High Court. The victim party also sought direction to transfer the investigation to the CBI. The High Court quashed the case under

Section 304 IPC and allowed the investigation to continue only under Section 304-A of IPC and 23 of the Juvenile Justice Act. A plea for a CBI enquiry was dismissed. The State and the parents of the children approached the Hon'ble Apex Court, and ultimately, the Apex Court has observed that commission of the offence of culpable homicide would require a more positive act on the part of the accused as distinguished from silence, inaction or a mere lapse. It was also observed that allegations of not carrying out a prompt search of the missing children, delay in lodging a formal complaint with the police and failure to take adequate measures to guard the access from the ashram to the river, which are the principal allegations made in the FIR, cannot make out a case of culpable homicide not amounting to murder punishable under Section 304 of the IPC. It was held that to attract the ingredients of the said offence, something more positive than a mere omission, lapse or negligence on the part of the named accused will have to be present, and such statements are conspicuously absent in the FIR filed in the present case.

ii) The ratio laid down by the Hon'ble Apex Court cannot be disputed at all. The proceedings concerned the quashing of the FIR, and during their pendency, a charge sheet was filed. Here, the investigation is at a preliminary stage. The one more difference was that there was no statutory duty to take adequate measures to guard the access from the Ashram to the river. In the present case, as already said, the nature of the job, i.e. handling hazardous substances, required compliance with the statutory provision.

iii) Coming to the case of *Sunil Bharti Mittal* (supra), more

particularly, paragraph 42, which is relied upon, it can be said that the Hon'ble Apex Court has stated that no doubt a corporate entity is an artificial person which acts through its officers, directors, managing director, chairman, etc. If such a company commit an offence involving mens rea, it would normally be the intent and action of that individual who would act on behalf of the company. It would be even more so when the criminal act is conspiracy. However, at the same time, it is the cardinal principle of criminal jurisprudence that there is no vicarious liability unless the statute specifically provides. The said proposition laid down by the Hon'ble Apex Court cannot be disputed at all. But the fact remains that here, the accused are charged for culpable homicide not amounting to murder and knowledge is attributed. Illustration (a) of Section 100 of BNS has already been discussed, and therefore, even that judgment would not be applicable.

iv) In the case of *Shiv Kumar Jatia Vs. State of NCT of Delhi* (supra) was again relied upon, with paragraphs 10, 10.1, and 19. In that case, Shivkumar was the Managing Director of M/s. Asian Hotels (North) Limited, the fully known independent Executive Director of the Company, Asim Kapoor, the General Manager of the Hotel, and others were charged in an FIR under Section 308 of the IPC. While dealing with the question of quashment, the Hon'ble Supreme Court has observed that the Penal Code does not contain any provision for attaching vicarious liability on the part of the Managing Directors of the Company when the accused is a Company. The vicarious liability of the Managing Director and Director would arise, provided any provision exists in that behalf in statute. As already stated, the applicants are charged based on

knowledge, not vicarious liability; therefore, the ratio would not be applicable.

v) As far as judgment in the case of Gudikanti is concerned, it deals with the parameters for granting bail and lays down the principle for the grant or refusal of bail. In that case, bail was granted at the appellate stage. The Hon'ble Apex Court has stated that the nature of the charge is the vital factor, and the nature of the evidence is also pertinent. The punishment to which the party may be liable, if convicted or conviction is confirmed, also bears upon the issue.

vii) In the present case, the allegations are extremely serious. The law laid down by the Hon'ble Apex Court in the said judgment cannot be made applicable to the present case.

viii) Coming to the case of Sharad Sanghvi, in that case, an application under Section 482 of Cr.P.C. was preferred, which was rejected by the High Court. A prayer before the High Court was to quash the criminal case under Section 420 of the IPC against the accused person.

ix) The accused person, aggrieved by the High Court's order, approached the Hon'ble Apex Court, which quashed the complaint. The gist of the aforesaid case is that the Penal Code does not contain any provision for attaching vicarious liability on the part of the Managing Director or Director of the company when the accused is a company. Statutes indisputably must contain a provision fixing

such vicarious liability. It is in this background that the complaint was quashed. As already stated, the State has registered an offence punishable under Section 105 and has not relied upon or argued the applicability of the principle of vicarious liability.

x) Coming to the case of Bhalchandra(supra), in the said case, the question was whether the appellants were rightly convicted for the offences under Section 304-A and 337 of the Indian Penal Code. In that case, the appellants had a factory for manufacturing explosives, and an explosion occurred on 5.5.1962, 11 people died, and 7 were injured. The trial court convicted them, and the appellate court had also refused to disturb the judgment. The order of conviction was confirmed by the High Court, as also the sentence on all the counts except under Section 304-A, where the substantive sentence was reduced. The Hon'ble Apex Court dismissed the appeal. The arguing counsel cited the judgment without making any arguments.

xi) So far as the judgment of Hitendra Thakur (supra) is concerned, para 13 was relied upon, which is reproduced as under:

*“13. We would, therefore, at this stage, like to administer a word of caution to the designated courts regarding invoking the provisions of TADA, merely because the IO at some stage of the investigation chooses to add an offence under the same (sic some) provisions of TADA against an accused person, more often than not, while opposing the grant of bail, anticipatory bail or otherwise. The designated courts should always consider the material available on the record carefully and apply their mind to see whether provisions of TADA are even prima facie attracted. In that regard, it is necessary to mention here that at present,*

*sufficient material is not available as the investigation is still at a preliminary stage.*

xii) As regards judgment in the case of Shatibhai Waghela, more particularly, the paragraph quoted above, it can be stated that what the learned Senior Counsel has argued is that commission of the offence of culpable homicide under Section 304 requires some positive act on the part of the accused as distinguished from silence, inaction or mere lapses. Negligence, by itself, may not furnish the necessary mens rea. No doubt, the ratio of the judgment cannot be disputed at all, but the manner in which the statutory deficiencies in the hazardous unit were ignored would make a lot of difference. What is required at this stage is a prima facie case.

xiii) As far as case of Pavneet Singh is concerned, in that case, a Writ Petition under Article 226 of the Constitution of India and 482 of Cr.P.C. was preferred for quashment of FIR registered under Section 279, 337, 338, 304(A), 304(II) read with Section 34 of the IPC. The accused persons therein were the officers of SION Panvel Tollways Pvt Ltd, which was awarded a contract for the construction of a bridge and the maintenance of the road. The accident occurred due to improper laying of tarcoal in June, when the monsoon had commenced, making the bridge slippery. Therefore, the vehicles, even though they were travelling at low speed, could not control their speed, and as a result, they collided, leading to the accident. It is in this background that the court observed that the commission of the offence of culpable homicide under Section 304 (II) IPC require some positive act on the part of the accused as distinguished from silence, inaction or lapses. The allegations of not carrying out the repair of the road cannot, thus, make out a case of culpable

homicide not amounting to murder. The court observed that such statements of positive acts are conspicuously absent from the FIR and thus quashed the FIR.

xiv) As already stated, the applicants were the managing director, Directors/employees of a company that handled hazardous substances, and the blast occurred at the final stage, i.e., packaging. The non-appointment of safety officers and the non-removal of deficiencies would be enough to deny the applicants anticipatory bail.

xv) A judgment of Rohit delivered by the Coordinate Bench of this Court at Bombay deals with the grant of pre-arrest bail in connection with an FIR registered under Sections 304(II), 286, 337 and 338 read with Section 34 of the IPC and Section 9(D) of the Explosive Act. In that case, the Mumbai Railway Vikas Corporation awarded the contract to RAILCON-SREPL to execute the project to lay the Panvel-Karjat rail line. The RAILCON-SREPL, in turn, awarded the contract to one Adit Infra, of which the applicant in that case was the proprietor. An excavation was carried out to lay a railway line, and the contract for the work was awarded to Jai Ambe Drilling. On 23.12.2022, blasting was carried out, resulting in stones hitting some persons who were passing by. Two of them died. It is in this background that the proprietor of Adit Infra preferred anticipatory bail. The court, in the aforesaid background, observed that prima facie, criminal intent or knowledge cannot be attributed to the applicant as he was executing the work in discharge of contractual obligation. The judgment in the case of Shantibhai Waghela was also taken into consideration, as was the judgment of Pavneet Singh. It was further observed that, since the chargesheet

had already been filed, the anticipatory bail application was allowed.

xvi) The ratio of said judgment cannot be applied to the case in hand, as in that case the applicant had awarded an explosion contract to another company. In that case, there was a question of contractual obligation. In the instant case, the question is whether a statutory duty is being performed. The chargesheet was filed in that case, whereas in the case at hand, the investigation is at the preliminary stage.

xvii) Coming to the case of P.B. Desai (supra), the Hon'ble Apex Court has observed that an omission is sometimes called a negative act, but this seems a dangerous practice, for it too easily permits an omission to be substituted for an act without requiring the special requirement for omission liability, such as legal duty and the physical capacity to perform the act. It was further observed that criminal liability for an omission is also well accepted where the actor has a legal duty and the capacity to act. The relevant paragraphs of the judgments are already discussed supra. The Hon'ble Apex Court has observed that while dealing with the imposition of liability for omission, certain considerations are required to be kept in mind. Does Section 338 IPC recognise that the particular offence may be committed by omission?. Some categories of offences mean some, and some may not; does it include the medical profession? If the offence is capable of being committed by omission, who all were under a duty to act? Who owned the primary duty? What are the criteria for selecting the culprit? Where the definition of crime requires proof that the actor caused a certain reason, and can he be said to have caused that reason by doing

nothing?. These questions cannot be completely separated, and sometimes one or all three of them arise in the same material that follows. Each of them, perhaps, also gives rise to yet another question: is the actors' conduct properly categorised as an omission or an act? Thus, it is clear that there must be some legal duty. In this case, the duty was to run the company in accordance with the law, complying with all statutory provisions, providing a safe environment for poor workers, and, at last, acting with utmost responsibility, as the unit was hazardous.

63. The aforesaid discussion, thus, would make it clear that there is a prima facie case which is available against the applicant. The Latin expression, “prima facie”, means “at first sight”, “at first view” or based on first impression. In both civil and criminal law, the term denotes that, upon initial examination, a legal claim has sufficient evidence to proceed to trial or judgment. The knowledge attributable to the applicants is sufficient to establish a prima facie case against them. The offence of culpable homicide involves the doing of an act (which term includes an illegal omission). Section 105 of BNS speaks about “if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death”.

64. The word “likely” means probably, and it is distinguished from more possible. While the chances of it happening are even or greater than the chances of it not happening, it can be said that it will “probably happen”. In arriving at the conclusion, the Court has to place itself in the situation of the accused and then judge whether the accused had the knowledge that by the act he was likely to cause death.

65. In hazardous industries, persistent statutory non-compliance, even after prior notice, transforms omission into culpable conduct, attracting criminal liability beyond mere negligence.

66. Liability is not vicarious but arises from *prima facie knowledge, statutory duty, and continued omission*.

67. The learned counsels' contention that custodial interrogation is not required cannot be considered at this stage. The honourable Apex Court's observations in the case of ***Sumitha Pradeep vs Arunkumar CK and Another, (2022) 17 SCC 391***, para. 12, are relevant and are reproduced:

*12.....In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.*

68. Needless to mention that this Court has not expressed any final opinion; the findings are for deciding applications for anticipatory bail only.

69. The learned APP has rightly relied upon paragraph 25 of ***Criminal Application (ABA) No. 375/2024***, decided by Co-ordinate Bench of this Court on 26.6.2024, in case of ***Ritu w/o Dinesh Maloo Vs. State of Maharashtra, the PSO, PS Tahsil, Nagpur***, which reads thus:

*“25. In the case of Alister Anthony Pareira vs. State of Maharashtra supra, the Honourable Apex Court observed that a person, responsible for a reckless or rash or negligent act that causes death which he had knowledge as a reasonable man that such act was dangerous enough to lead to some untoward thing and the death was likely to be caused, may be attributed with the knowledge of the consequence and may be fastened with culpability of homicide not amounting to murder and punishable under Section 304 Part-II of the Indian Penal Code. The court also proceeded to observe that there is a presumption that a man knows the natural and likely consequences of his acts. Moreover, an act does not become involuntary act simply because its consequences were unforeseen. It has also been observed that in a case where negligence or rashness is the cause of death and nothing more, Section 304A may be attracted but where the rash or negligent act is preceded with the knowledge that such act is likely to cause death, Section 304 Part-II of the Indian Penal Code may be attracted“.*

70. In light of the above considerations, I find no merit, so far as Criminal Application (ABA) No. 275/2026, preferred by Managing Director Mr. Sanjay Choudhari; Criminal Application (ABA) No. 272/2026, preferred by Director (CEO) Mr. Alok Choudhari, the Criminal Application (ABA) No. 210/2026 employee i.e. Deputy

Manager (Safety), Criminal Application (ABA) No. 223/2026 preferred by the Director Mr. Alok Awadhiya and Criminal Application (ABA) No. 268/2026, preferred by Director Mr. Shrawan Kumar. So far as independent directors are concerned, their applications stand allowed. It cannot be ignored that one of the independent Directors by name Ms. Satyawati Parashar is suffering from stage-III cancer. Thus, following order is passed.

### **ORDER**

i) The Criminal Application (ABA) No. 232/2026, Criminal Application (ABA) No. 270/2026, Criminal Application (ABA) No. 271/2026 are allowed.

ii) In the event of arrest, in connection with Crime No. 228/2026, dated 01/03/2026, registered with Kalmeshwar Police Station, District Nagpur (Rural) for the offences punishable under Sections 105, 125(a), 125(b), 288 of Bharatiya Nyaya Sanhita, 2023, the applicants in Criminal Application (ABA) 232/2026 named Ms. Satyawati Parashar, Criminal Application (ABA) No. 270/2023, named Ravindra Pokharna, Criminal Application (ABA) No. 271/2026, named Manoj Kumar Prasad, be released on bail on furnishing PB and SB of Rs. 2 lakhs each.

iii) The Applicant Mr. Ravindra Pokharna and Applicant Mr. Manoj Prasad shall attend the non-applicant Police Station from 30.4.2026 to 07.05.2026, between 12.00 noon to 5.00 p.m. and cooperate with the investigating agency.

- iv) The applicant Ms. Satyawati Parashar is directed to attend the Police Station on 2<sup>nd</sup> and 3<sup>rd</sup> May, 2026 between 12.00 noon to 5.00 p.m. and cooperate with the investigating agency.
- v) The applicant Mr. Ravindra Pokharna, Mr. Manoj Kumar Prasad and Ms. Satyavati Parashar shall surrender their passports to the Investigating Officer on or before 3<sup>rd</sup> May, 2026.
- vi) The applicant Mr. Ravindra Pokharna, Mr. Manoj Prasad and Ms. Satyavati Parashar are directed to cooperate the Investigating Agency and appear before the Investigating Officer as and when called.
- vii) The applicants shall not tamper with the prosecution evidence or threaten the prosecution witnesses and shall cooperate with the investigation.
- viii) The applicants shall not leave the India without prior permission of the Court.
- ix) The Criminal Application (ABA) No. 275/2026, Criminal Application (ABA) No. 272/2026, Criminal Application (ABA) No. 210/2026, Criminal Application (ABA) No. 223/2026 and 268/2026 are rejected.

**(RAJNISH R. VYAS, J.)**

Khapekar,PA/Belkhede, PS.