

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

CRIMINAL APPLICATION (ABA) NO. 399/2023

Bharat s/o Manharlal Kataria and another v/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Mugdha Chandurkar, counsel for the applicants.
Mr S.M. Ghodeswar, APP for the State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/07/2023.

1. Heard.
2. Present application is filed for seeking anticipatory bail in connection with Crime No. 464/2023 registered at Police Station M.I.D.C. Nagpur for the offences punishable under Sections 304 and 338 read with Section 34 of the Indian Penal Code.
3. The applicants are apprehending arrest at the hands of Police as crime is registered on the basis of report lodged by Mukund Sukhdevrao Kawade, on an allegation that present applicants are the Director and Owner of M/s Katariya Agro Private Limited. On 24/04/2023 at about 11.20, the said factory got fired, and in the said incident, three labours namely (1) Hemraj Chandusingh Amro, (2) Aadesh Ashok Dahiwalale and (3) Anurodh Sukhchain Maravi died in the said incident. It is

alleged that the said incident took place due to the negligence of the Directors of the said company as proper fire safety measures were not complied as per the norms. On the basis of said report, the Police have registered the offence against the present applicants.

4. It is contended by the present applicants that they have installed the safety measures and it was merely an accident. There was no negligence on their part, however, as the death of three labours were caused, they were falsely implicated in the alleged offence. The investigation is practically completed, their custodial interrogation is not required. As far as the interrogation is concerned, they are ready to abide by all the conditions imposed by this Court.

5. The said application is strongly opposed by the State on the ground that the alleged incident has taken place, due to the sole negligence of the present applicants. The custodial interrogation of the present applicants is required and prays for rejection of the application.

6. Heard Ms Mugdha Chandurkar, learned counsel for the applicants. She submitted that the documents filed along with the application show that the Fire Prevention System is already installed, Ameya Agencies Engineering and Fire Safety Solution has certified that they have carried out the inspection of the fire prevention and life

safety measures installed in the industrial building situated at M/s Katariya Agro Pvt Ltd. Plot No.E-52, MIDC, Hingna, Industrial Area, Nagpur. Thus, the Fire Safety measures are already taken by the present applicants. It is merely an accident in which, fortunately, three labours have lost their life, but no negligence can be attributed to the present applicants. As far as the interrogation is concerned, their physical custody is not required, they are ready to cooperate with the investigating agency.

7. Per contra, learned APP vehemently submitted that considering that three labours have lost their life, the custodial interrogation of the present applicants is required and prays for rejection of the application.

8. Having heard both the sides. On perusal of the recitals of the FIR, it appears that it is alleged against the present applicants that, they have not provided the safety measures in the unit, and there is negligence on the part of the present applicants. The applicants have produced on record the certificate issued by the said Ameya Agencies Engineering and Fire Safety Solution, which shows that they have carried out the inspection of the fire prevention and life safety measures and certified that these installations in the above-mentioned industrial building are maintained in good repair and efficient

conditions. Thus, it is apparent that the applicants have provided due to safety measures in the said unit. Admittedly, the incident of FIR has taken place, the investigation is carried out by the Investigating Officer. As far as the interrogation is concerned, physical custody of the present applicants is not required as the conditions can be imposed to secure their presence before the Investigating Officer for investigation purpose.

9. In view of that, the interim protection granted to the present applicants deserves to be confirmed. Accordingly, I proceed to pass following order.

- a) Criminal Application is allowed.
- b) In the event of their arrest, in connection with Crime No. 464/2023 registered at Police Station M.I.D.C. Nagpur for the offences punishable under Sections 304 and 338 read with Section 34 of the Indian Penal Code, the applicant No.1- Bharat s/o Manharlal Kataria and Applicant No.2-Dishant s/o Bharat Kataria are released on anticipatory bail on execution of Rs. 25,000/- each with one solvent surety of like amount.
- c) The applicants shall attend the concerned Police Station as and when required for the investigation purpose.

- d) The applicants shall not induce the witnesses who are connected with the alleged crime by promise, threat, or in any other manner.
- e) The applicants shall furnish their cell phone numbers and address with the address proof before the Investigating Officer.
- f) Criminal application is disposed of.

Steno copy is granted.

JUDGE