



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

CRIMINAL APPLICATION (APPLN) NO.47 OF 2025

Sohel Asgar Ali Amin

..VS..

**The State of Maharashtra, thorough Police Station Officer, Police
Station Kalmeshwr, district Nagpur**

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

**Shri S.V.Manohar, Senior Counsel assisted by Shri Atharva Manohar,
Advocate for the Applicant.
Mrs.Sneha Dhote, Additional Public Prosecutor for the Respondent/State.**

CORAM : URMILA JOSHI-PHALKE, J.

CLOSED ON : 27/06/2025

PRONOUNCED ON : 07/07/2025

1. By this application, the applicant has sought quashing and setting aside condition Nos.5, 6, and 7 imposed by learned District Judge-4 and Additional Sessions Judge, Nagpur in Criminal Bail Application No.945/2025 while granting bail.

2. As per contentions of the applicant, on the basis of a report lodged by Assistant Police Inspector Savita Tawde, First Information Report, bearing Crime No.82/2025, came to be lodged with the

non-applicant/police station for offences punishable under Section 106(1), 125(b), and 288 of the BNS 2023. As per allegations, there was an explosion in the premises of factory of the applicant and in the said explosion, two workers died and two sustained grievous injuries. Whereas, one sustained simple injuries. As per allegations, the applicant is running “M/s.Asian Fireworks” wherein, due to negligence of one of employees, the explosion took place causing death of two persons and injuries to three persons. On the basis of the said report, the police registered the crime. The applicant approached learned Additional Sessions Judge for grant of bail. While allowing the bail, learned Judge below imposed conditions that licences issued by the Central Government Authorities and the State Government Authorities in respect of “Asian Fireworks” Phataka Bazar, Amin Complex, 20/30, New Adarsh Nagar, Wadi, Nagpur are suspended, till decision of the case. Further condition imposed is, that the accused is barred from conducting any trade or work regarding any type of

explosive material, till the decision of the case. The Central Government Authorities and the State Government Authorities are directed not to issue any new licence for any trade or work regarding any type of explosive material to the accused (applicant) henceforth, till the decision of the case. The Investigating Officer was directed to send copy of this order to the Home Secretary of the Central Government and Home Secretary of the State Government.

3. Being aggrieved and dissatisfied with said conditions, the present application is filed.

4. Heard learned Senior Counsel Shri S.V.Manohar for the applicant and learned Additional Public Prosecutor Mrs.Sneha Dhote for the State.

5. Learned Senior Counsel for the applicant submitted that it is apparent from order impugned in this application that there was no negligence on the part of the applicant. One of deceased Bhura Rajjak threw a lit biddi near place where gunpowder was stored due to which the

explosion occurred. Learned Judge below has not considered old offences referred by the prosecution from which the applicant is already acquitted. As far as crime registered at Hyderabad is concerned, there is no material on record to show involvement of the applicant. He submitted that onerous conditions are imposed which are against the law laid down by the Hon'ble Apex Court.

6. In support of his contentions, he placed reliance on following decisions:

1. Kunal Kumar Tiwari alias Kunal Kumar vs. State of Bihar and anr, reported in (2018)16 SCC 74;

2. Parvez Noordin Lokhandwalla vs. State of Maharashtra and anr, reported in (2020)10 SCC 77, and

3. Ramesh Kumar vs. State of NCT of Delhi, reported in (2023)7 SCC 461.

7. *Per contra*, learned Additional Public Prosecutor

strongly opposed the application on the ground that the applicant has not narrated any criminal antecedents in the application. She further submitted that in addition to previous history of blast at the factory of the applicant, one more serious crime is registered against him at Hyderabad and Hyderabad City Police are verifying complicity of certain explosive dealers with regard to supply of explosive materials used in making of bombs. In view of that, the application deserves to be rejected.

8. On hearing both sides and perusing investigation papers, it reveals that while considering bail application of the applicant, learned Judge below specifically observed that the incident took place due to mistake of one worker Bhura Rajjak. The CCTV Footage shows that the lit biddi match stick were thrown, where gunpowder was stored, due to which the explosion occurred and death of two persons and injuries to 3 persons were caused.

9. Thus, recital of the First Information Report and investigation papers show that as far as negligence is concerned, the same was on the part of the deceased.

10. Another ground raised by learned Additional Public Prosecutor for the State is that, there was criminal antecedents against the applicant. However, record and affidavit of the applicant in rejoinder shows that he is acquitted from both offences. The copies of the judgment are placed on record.

11. As far as offences registered at Hyderabad are concerned, except mere allegation by the prosecution, there is absolutely no material placed on record to show that during investigation involvement of the applicant revealed.

12. Learned Additional Public Prosecutor for the State placed reliance on one paper communication in respect of two blasts at Hyderabad where only reference is that there is a possibility of complicity of certain explosive

dealers from Nagpur.

13. Thus, as far as involvement of the applicant in the blast is concerned, at this stage, there is no such material.

14. It is well settled that while considering bail applications, Section 437(3) of the CrPC allows courts to impose conditions in the interest of justice. However, such conditions cannot be arbitrary or extends beyond the ends of provision.

15. The Hon'ble Apex Court in the case of **Kunal Kumar Tiwari alias Kunal Kumar vs. State of Bihar and anr** *supra* held that there is no dispute that sub-clause (c) of Section 437(3) of the CrPC allows Courts to impose such conditions in the interest of justice, but it should not arbitrary.

16. In the case of **Parvez Noordin Lokhandwalla vs. State of Maharashtra and anr** *supra* also provisions of Section 437(3) of the CrPC were considered by the Hon'ble

Apex Court and held that grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously.

17. The Hon'ble Apex Court in the case of **Ramesh Kumar vs. State of NCT of Delhi** also the aspect is considered and held that while considering bail applications, conditions can be imposed, but the said conditions should not be arbitrary.

18. In the light of facts and circumstances of the case and the law laid down by the Hon'ble Apex Court, the application deserves to be allowed, as per order below:

ORDER

(1) The Criminal Application is **allowed**.

(2) Condition Nos.5, 6, and 7, imposed upon the applicant by learned District Judge-4 and Additional Sessions Judge, Nagpur in Criminal Bail Application No.945/2025, while

granting bail, are hereby quashed and set aside.

(3) The rest of the order impugned is maintained.

Application is **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!