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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4663 OF 2025

Samir Ishwarbhai Taylor	...Applicant
V/s.	
State of Maharashtra	...Respondent

Mr.Aabad Ponda, Senior Counsel i/b Mr.Shrinidhi A. Sonak for the Applicant.

Mrs.R.N. Newton,APP for the State – Respondent.

Mr.Malhar Thorat,API, Palghar Police Station present in Court.

CORAM : R.M. JOSHI, J.
DATE : 16TH MARCH, 2026.

P.C. :-

1. This Application is for regular bail in connection with Crime No.245 of 2025, registered with Palghar Police Station for the offence punishable under Section 105 of Bhartiya Naya Sanhita (BNS)and under Section 92 of the Factories Act.
2. The FIR came to be lodged on 18th September, 2025 in respect of the incident occurred on that day at about 5:00 p.m. It is the case of the prosecution that the present Applicant

is the owner of M/s.Limbani Sault, instructed the employees to clean 20 bottles with water. It is alleged that without giving any information with regard to the consequence of use of water for cleaning such bottles, the said work came to be assigned to the employees. In the said process, blast took place. Four persons sustained injuries and one employee died in the said incident. The Applicant came to be arrested on 19th September, 2025.

3. Learned senior counsel appearing on behalf of the Applicant submits that there is evidence in the chargesheet indicating that the bottles of Sodium Azide were brought by the father of the Applicant, who used to look after the business in the year 2006. According to him the said bottles were kept in scrap. It is his submission that there was nothing on the labels of the said bottles to indicate that it is the Sodium Azide chemical which would be avoided coming into contact with the water. It is his submission that there is no evidence collected during the course of investigation that Sodium Azide was used by the Applicant in the company as well as in the regular process. It is his submission that thus the knowledge cannot be

attributed to the Applicant in order to accept an offence committed under Section 105 of BNS. It is his submissions that since last six months, the Applicant is in jail and after conclusion of investigation and on filing of chargesheet, he cannot be kept in custody by way of pre-trial sentence.

4. Learned APP opposed the application. It is her submission that because of the FIR so also the statements of the employees – witnesses clearly indicate that it was the present Applicant who instructed the employees to clean the bottles in question containing Sodium Azide with water. It is her submission that since the Applicant is in the business of chemical, he has knowledge about the consequence of the acts asked to be done by employees. Apart from this, reference is made to the supplementary chargesheet filed which contains the report of the Factory Inspector indicating manufacturing process of the Applicant's company. It is submitted that having regard to the nature of evidence collected during the course of the investigation, this is not a fit case for grant of bail to the Applicant.

5. In order to attribute the offence punishable under Section 105 of BNS, *prima-facie* there must be evidence on record to indicate that that the Applicant had knowledge about the bottles in question containing Sodium Azide. A perusal of the chargesheet itself indicates that the said bottles were brought by the father of the Applicant in the year 2006 and they were lying in scrap for a long period of time. Pertinently, as per FIR, the work of cleaning of the said bottles was undertaken by the employees in the presence of the Applicant himself. If Applicant had knowledge of such consequence of cleaning of bottles, he would not have asked it to be done in his presence, exposing himself to harm. Further admittedly, there is no evidence collected during the course of investigation in order to hold the that the Applicant had knowledge about the contents of the said bottles on the basis of the labels affixed thereon.

6. In the light of these facts, *prima-facie* this Court finds substance in the contention of the learned senior counsel for the Applicant that the knowledge of the contents of the said bottles cannot be attributed to the Applicant. Once such knowledge is

absent and there is no intention of causing bodily injuries which is likely to cause death, this Court finds no hesitation, in enlarging the Applicant on bail. Needless to say that Applicant cannot be kept in jail by way of pre-trial sentence. The Applicant has no criminal history and he is not likely to flee from justice. Hence the order :

ORDER:

- a). The Application stands allowed.
- b). The Applicant be enlarged on bail in connection with Crime No.245 of 2025, registered with Palghar Police Station on furnishing PR bond of Rs.15,000/- with one surety in the like amount for the satisfaction of the Trial Court.
- c). The Applicant to attend the Trial Court on each dates of hearing unless exempted by the Trial Court.

(R.M. JOSHI, J.)

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