



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

CRIMINAL APPLICATION [ABA] NO. 902 OF 2025

JODHANI KETAN JAYANTILAL @ KETAN SHETH

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., NANDURA, DIST. BULDHANA

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

Court's or Judge's Order

Mr. C. D. Rohankar, Advocate for the applicant
Mrs. H. N. Prabhu, A.P.P. for the non-applicant/State.
Mr. Nilesh Tikar, Advocate for complainant – Assist to prosecution.

CORAM : M. W. CHANDWANI, J.

DATE : FEBRUARY 09, 2026.

1. Heard Mr. C.D.Rohankar, learned counsel appearing on behalf of the applicant, Mrs. H. N. Prabhu, learned APP appearing on behalf of the State and Mr. Nilesh Tikar, learned counsel assisting the prosecution. .

2. The applicant is apprehending arrest in connection with Crime No. 466/2025 registered with Police Station, Nandura, Dist. Buldhana for the offence punishable under Section 105 r/w 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. The FIR shows that on 25.09.2025, the applicant had hired three persons including the complainant for cleaning the underground tank/container which was being used for storage of bio-diesel. When those persons landed in the tank, two of them fainted and fell in the

tank. The complainant managed to come out of the said tank but he also fainted. With the help of the others, two persons were also rescued from the tank. They were taken to the hospital. The complainant could survive but the other two died. On the complaint of the surviving victim, the offence came to be registered against the applicant and other co-accused.

4. The contention is that, the applicant has not played any role in commission of the crime. Rather, he is the owner of the tank. He appeared before the police and cooperated in the investigation. Nothing is to be seized from the applicant. Therefore, the applicant is entitled to get anticipatory bail.

5. Per contra, learned APP vehemently submitted that the FIR clearly establishes the fact that on the say of the applicant, the deceased persons as well as the complainant had agreed to clean the tank/container. The applicant was aware about accumulation of poisonous gas/chemical in the tank but he did not inform them about the same nor did he make any safety arrangement for them. It is further contended that the investigation is at a primary stage and therefore, the application be rejected.

6. Perusal of the case diary including the FIR reveals that on 25.09.2025, the applicant had hired three persons to clean the underground tank in which poisonous gas/

chemical was stored. It also appears from the case diary that the applicant used to reside there and maintain the tank. Therefore, knowledge was clearly attributed to the applicant. In spite of that, the applicant hired the persons for cleaning the tank knowing well that it may cause death of a person. Moreover, he did not provide any safety gear to the deceased persons or the complainant. This shows the *prima facie* involvement of the present applicant in the crime.

7. Considering the nature of allegations, the fact that the investigation is at a primary stage as well as the fact that two persons have died; in my view, no case is made out for grant of anticipatory bail to the applicant.

8. Consequently, the criminal application is rejected.

9. Needless to mention, the ad-interim protection granted by this Court (Coram : Mrs. Vrushali V. Joshi, J.) vide order dated 28.11.2025 stands vacated.

(M.W.Chandwani, J.)

Diwale