



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

CRIMINAL APPLICATION NOS.440 OF 2026

Pradeep Shrma ..vs.. State of Maharashtra

CRIMINAL APPLICATION NO. 441 OF 2026 AND

Vilas Ankushrao Malve ..vs..State of Maharashtra

CRIMINAL APPLICATION NO. 444 OF 2026 AND

Ravi s/o Prakashchandra Kamra ..vs.. State of Maharashtra

CRIMINAL APPLICATION NO. 448 OF 2026AND

Group Captain (Retd) Chandra Shekhar Rajwar ..vs.. State of Maharashtra

CRIMINAL APPLICATION NO. 456 OF 2026AND

Sandeep Solankee ..vs.. State of Maharashtra

CRIMINAL APPLICATION NO. 469 OF 2026

Rakesh s/o Sudarshan Tiwari ..vs.. State of Maharashtra

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

Court's or Judge's orders

Criminal Application No.440/2026

Shri Pranav Badheka, Senior Advocate a/b Aditya Chaudhari,
Advocate for the applicant.

Mrs. M.H. Deshmukh, APP for the State.

Criminal Application No.441 of 2026

Shri Ravi Sharma, Advocate a/w Shri Anjani Kumar Rai, Shri
Praphull Kumar, Advocate for the applicant.

Mrs. M.H. Deshmukh, APP for the State.

Criminal Application No. 444 of 2026

Shri A.S. Mardikar, Senior Advocate a/b Shri H.R. Gadhia and
Shri aniket Sawal, Advocate for the applicant.

Mrs.M.H. Deshmukh, APP for the State.

Criminal Application No.448 of 2026

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

Ms P.C. Bawankule, APP for the State.

Criminal Application no. 456 of 2026

Shri Asish Dixit, Advocate a/w Shri Aditya Chaudhari ad
Praphull Kumar, Advocate for the applicant.

Mrs. M.H. Deshmukh, APP for the State.

Criminal Application No.469 of 2026

Shri A.S. Mardikar, Senior Advocate a/b Shri H.R. Gadhia and
Vedant Sarda, Advocate for applicant.

Mrs. M.H. Deshmukh, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 18.04.2026.

Heard.

2. For the sake of convenience all the applications are heard together and disposed of vide this common order as the offences are arising out of the same crime.

3. The present applications are filed seeking regular bail in connection with Crime No. 228/2026 registered with Kalmeshwar Police Station, Nagpur Rural for the offences punishable under Sections 105, 125(a), 125(b) and 288 of the Bharatiya Nyaya Sanhita ("BNS").

4. The first information report came to be lodged on 01.03.2026 by the informant namely Manoj Kalbande who was working as a police inspector at the relevant time at Kalmeshwar Police Station alleging that on 01.03.2026 between 7:00 a.m to 7:30 a.m. he received an information that an explosion has occurred at SBL Company Rahulgaon Shivar. On reaching the spot the informant along with his team discovered that initially total 17 workers have died and two others were injured in the said explosion. Pursuant to the same, a case of accidental death was registered. Upon enquiry of the cause of the explosion, the Chief Controller of Explosives, Gondhkhairi, Nagpur and the Directorate of Industrial Safety and Health (DISH) cited multiple reasons including safety deficiencies. Based on the aforesaid, a crime came to be registered against officials who are allegedly responsible.

5. The learned counsels appearing for the applicants, submitted there are no specific allegations against the applicants in the FIR. Without there being

allegations in individual capacity, merely mentioning the name in the FIR is not sufficient. The applicants have been made accused mechanically by registering the First Information Report. No doubt it is an unfortunate incident, wherein total 26 lives have been lost however, it was an accident, and no criminality can be attributed to any of the applicant. The ingredients of Section 105 BNS are not at all made out, at the most Section 106 BNS is attracted. So far as the knowledge, negligence or recklessness is concerned, nothing could be gathered from the First Information Report, in relation to the applicants. Absolutely vague allegations are made against the applicants and merely because the applicants are holding posts like Senior Managerial posts, the applicants have been implicated in the crime. The incident has occurred at factory shed no. 16 B in the printing and packaging section. There is a possibility that due to negligence on the part of some of the employees, the incident has occurred and for that purpose, the applicants cannot be blamed. Even assuming for a moment that there were no adequate safety compliances as the Factory was dealing with very toxic and hazardous substance like explosives, however it has to be seen that the applicants are not involved in the day-to-day functioning of the packaging unit, and they have no role, duty, or responsibility whatsoever with regard to the packaging unit where the blast took place, and therefore even rashness or negligence cannot be attributed to the applicants. To buttress the above

submissions they have relied on the judgments of the Supreme Court in the cases of *Keshub Mahindra Versus State of M.P., (1996) 6 SCC 129* and *Sushil Ansal Versus State through Central Bureau of Investigation, (2014) 6 SCC 173*.

6. They further submit that so far as the allegations made in the FIR, as to non-compliance of mandatory safety regulations which have been observed in the preliminary inspection report dated 01.03.2026 are concerned they are totally baseless. On the contrary, they submit that all the compliance have been made, and to substantiate the same, they have filed on record the Hazard Identification and Risk Assessment Report prepared by BKSONS Consultants, Environment health and safety wherein the unit in which the blast has occurred is shown as a low risk unit. In view of the aforesaid report, it is submitted that there was no violation of any provision of Factories Act or the Rules made thereunder. Considering the material on record and as no overt act is attributed to any of the applicants, prayer is made to release them on bail.

7. On the other hand, the learned APP vehemently opposed the applications and submit that admittedly the incident took place in the factory premises at unit no. 16 B. The preliminary report of the Deputy Chief Controller of Explosives NAPES & TS, Gondkhairi shows the probable cause of explosion as violation of Rule 19 and Rule 34.

8. Even previously also the authorities had found that the applicants were not adhering to the

safety provision, and therefore notice was issued on 21/6/2024 to the SBL company. Even after issuance of notice, they have not complied with the said safety provisions. Till today there are total six private complaints filed against the SBL Energy Limited, for non-compliance of the safety measures. Higher standard of safety is required to be maintained by the SBL it being Industrial Explosives Manufacturing Company and not adhering to the same has resulted in the unfortunate incident, for which the present FIR is registered. Previously also one First Information Report was registered bearing no.335 of 2025 on 26/4/2025 as there was an incident of fire in the factory premises wherein two women were seriously injured.

9. It was further submitted that the present applicants are not ordinary employees but are senior management officers who are holding key posts in the management. It is the responsibility of the present applicants to oversee mandatory safety compliance being a high risk industry, as it is manufacturing explosives, and therefore strict compliance of each and every safety measure is necessary. Though repeated warnings were given then also there was no effective compliance. Further, the investigation is at a crucial stage and is of highly technical in nature and therefore the custody will be required of the applicants so as to conclude the investigation. The applicants are influential persons, and there is every possibility of tampering with evidence. It was further submitted that there is loss of 26 lives till today in the

incident, considering the *prima facie* case and the magnitude of the offence, the applicants do not deserve to be enlarged on bail. To buttress the aforesaid contentions, reliance has been placed on the judgments in the cases of *J.K. Industries Ltd. and ors. vs. Chief Inspector of Factories and Boilers and ors. (1996)6 SCC 665* and *Iridium India Telecom Ltd. vs. Motorola Incorporated and ors. (2011) 1 SCC 74*.

10. I have considered the rival submissions. The applicants herein are acting on different positions in the SBL. It appears that SBL Energy Limited is in the business of manufacturing explosives. Under such circumstances, it is the bounden duty of the industry to maintain utmost safety measures in addition to following statutory requirements provided under various enactments. Admittedly the explosion occurred in the packaging and crimping unit located at Factory Shed no. 16 B.

11. The First Information Report was registered by the Police Inspector of Police Station Kalmeshwar, Nagpur Rural for the offences punishable under Sections 105, 125 (a), 125 (b), and 288 of the BNS. All the aforesaid offences are bailable except Section 105 of the BNS. After going through the FIR, it appears that the incident has occurred before 7 AM on 1/3/2026 as the information was received by the police station between 7 AM to 7:30 AM stating that an explosion has occurred at SBL Company, Rahulgaon Shivar. Initially total 17 workers have died in the explosion. It further appears that the Police Inspector has written letter to the Chief Controller of

Explosives, Gondkheri, Nagpur and the Directorate of Industrial Safety and Health, Nagpur (DISH) to understand the cause of explosion at SBL Company, and accordingly it was informed that special precaution to avoid accident/explosion/fire, was not taken by the factory. Further, explosives processed in the building were not immediately removed or shifted to the next process building or explosive magazine. It is further observed that explosives were allowed to accumulate in the subject building by the firm. Similarly, DISH has also given reasons for explosion which occurred in the packaging and crimping section of the building no. 16B stating that the explosion further detonated the stored NONELS in the packaging area as well as the detonators and shock tubes kept for crimping in the crimping cubicles. The fire initiated after the explosion further engulfed the shock tubes stored for crimping. It is further noted by the DISH that there are various violations of the Factories Act and Rules thereunder. When the DISH had inspected the said company, on 21.6.2024, they had raised issues regarding the violation of the safety rules and therefore issued a notice on 21.6.2024 for compliance. However, those were not complied with and prosecution was filed before the competent court. It further appears that even in the preliminary inspection report dated 1.3.2026, following violations have been observed- Risk assessment not carried out; fire trailer pump not provided; only one safety officer is appointed instead of two; factory medical officer is not appointed; leave with wages recorded are not

submitted to DISH office; flameproof CCTVs are not installed; internal audit is not submitted to DISH office; medical check up is conducted of only 183 workers out of 809 and no training records are submitted to DISH office. All the aforesaid safety measures, *prima facie* appears to have been grossly violated. It appears from the record that in this incident, till today total 26 persons have lost their lives, and therefore the gravity of the offence is of greater magnitude.

12. The present applicants are- Pradeep Sharma, General Manager- Project and Maintenance responsible for maintenance of all the production units, machineries, equipments, so also routine and preventive maintenance work; Group Captain (retired) Chandra Shekhar Rajwar, is the Vice President, Administration and H.R. having overall administrative control of the industry; Sandeep Solanki, is the Senior General Manager Admin and HR department responsible for administrative work of the factory and compliance with applicable laws; Ravi Kamra is Director entrusted with the finance department, responsible for all the financial decisions of the factory; Rakesh Tiwari, is the Occupier of the Nagpur Plant entrusted amongst other with providing training to the workers and Vilas Malve is the Supervisor of Factory Shed No. 16 B, who was at the relevant time in charge of the entire operations in building no. 16 B. So except Vilas Malve, all other applicants are either Director or General Managers of the said factory.

13. Vilas Malve's prime responsibility was to see whether the explosives are stored properly or not. However, it *prima facie* appears from the record that the said applicant has not taken due care, which has resulted in the present incident as explosives processed in Unit 16B were not immediately shifted to the next process unit or explosive magazine, and he has permitted them to accumulate in 16B itself.

14. All the aforesaid applicants are occupying Senior Managerial positions in the SBL, and are responsible for maintenance entrusted with taking safety precautions, and strategic planning related to administration of the factory. Meaning thereby, they are responsible for overall operations carried out at the SBL. As was submitted by the learned Senior Counsels, that they are not concerned with the day-to-day operations of the Packaging and crimping unit and therefore they cannot be held responsible, cannot be accepted. It is the primary duty of each and every applicant to adhere to the norms provided in the Act or the Rules as they are in supervisory positions. It was their responsibility to oversee the day to day affairs of the factory.

15. Therefore, *prima facie*, it appears that there is gross recklessness on the part of the applicants in not complying the shortcomings which were noticed from time to time. One of the said notice dated 21.6.2024 had referred to the following deficiencies-

“On 21.06.2024 the DISH had visited SBL and noted following contraventions of safety provisions namely -

(1) By not complying the condition No.4 of the plan approved vide Ref. No.12050000033489 on 30.11.2023, the Occupier of the Factory has contravened the provisions of Rule 4(3) of the Maharashtra Factories Rules, 1963.

(II) The Power Driven Trailer Pump of adequate capacity is not found provided and maintained in the factory for fire fighting, as such the provisions of Rule 71-B(2) of the Maharashtra Factories Rules, 1963 have been contravened by the Occupier.

(III) The Occupier has not appointed 2 Qualified Safety Officers in the factory. Thus, by not employing 2 Qualified Safety Officers in the factory, the occupier has contravened the provisions of Section 40-B(1)(ii) of the Factories Act, 1948.

(IV) It is observed that pipelines carrying concentrated Nitric Acid (98%) are provided in the PETN plant of the factory which is under pressure. These pipelines are not provided with flange guards to the flanges of pipelines carrying concentrated Nitric Acid (98%) which is under pressure for prevention of harmful splashing of concentrated Nitric Acid (98%) on the workers working in the PETN plan area of the factory. Hence, the provision of Clause 8-A of Scheduled-XII annexed to Rule 114 of the Maharashtra Factories Rules, 1963 have been contravened by the Occupier.

(V) The occupier of the factory has not appointed 2 full time Qualified Factory Medical Officers for the factory. Thus, by not appointing 2 full time Qualified Factory

Medical Officer in the factory, the Occupier has contravened the provisions of Rule 73 W(1)(c)(i) of the Maharashtra Factories Rules, 1963.

(VI) The occupier of the factory has not provided and maintained a suitably constructed equipped Ambulance Van and manned by the full-time Driver-cum-Mechanic and Helper trained in first-aid, for the purpose of transportation of serious cases of accidents or sickness. Thus, the Occupier has contravened the provisions of Rule 73-X (1) of the Maharashtra Factories Rules, 1963.

(VII) By not providing Occupational Health Centre in the factory, the Occupier has contravened the provisions of Rule 73(W) (1) (c)(ii) of the Maharashtra Factories Rules, 1963.

(VIII) By not keeping the Leave with Wages Register in Form 20 or any other form for the 809 contract workers working in the factory, the Manager has contravened the provisions of Rule 105(1) of the Maharashtra Factories Rules, 1963.

(IX) The occupier has not appointed qualified Welfare Officer in the factory. The provisions of Rule 2(1) of the Maharashtra Welfare Officers (Duties, Qualifications and Conditions of Service) Rule, 1966 read with Section 49 of the Factory Act, 1948 have been contravened by the occupier of the factory.

(X) By installing non flameproof type of CCTV camera in process building wherever there is danger of fire or explosion from accumulation of flammable or explosive substances in air,

the Occupier has contravened the provisions of Rule 70(4)(a) of the Maharashtra Factories Rules, 1963.

(XI) By not conducting Internal Audit once in a year by a team of Plant Personnel as per IS 14489:1998 the occupier has contravened the provisions of Rule 3(a) of the Maharashtra Factories (Safety Audit) Rules, 2014.

(XII) It is observed that one additional Boiler of 20 Ton capacity is installed in the boiler house of the factory. This extension of the factory is not got approved from the Additional Director, Industrial Safety & Health, Nagpur. Therefore, the extension is not in conformity of the plans approved vide Plan Approval No.12050000033489 on Dt. 30.11.2023. Thus, the occupier has contravened the provisions of Rule 4(2) of the Maharashtra Factories Rules, 1963.

(XIII) The occupier of the factory has not carried out medical examination all the 809 workers in a factory once in a year by a Certifying Surgeon appointed or recognized by the Government under Section 10 of the Factories Act 1948, hence the occupier has contravened the provisions of Rule 18-A of Maharashtra Factories Rules, 1963.

(XIV) The occupier has not shown any such records showing that all the workers working in hazardous process are properly trained or having previous experience in handling hazardous substances. Thus, the occupier has contravened the provisions of Section 41C(b) of the Factories Act, 1948.”

16. Therefore, those safety measures have not at all been complied with till the incident has occurred. Though the incident has occurred at Unit 16B, however, the fact remains that it is the responsibility and duty of all the applicants to take all the safety measures, considering the fact that the applicants are running a high risk industrial explosives manufacturing industry. Even a single shortcoming cannot be pardoned as the consequence of the same is disastrous which is evident from the present case.

17. One another glaring factor brought to my notice by the learned APP is that the workers working in the factory, are not skilled or trained to carry out the work in such a hazardous factory. It was expected that, those employees who are competent to work in such a factory should only be recruited and further training to those employees ought to have been given in dealing with explosives. From perusal of various statements recorded by the investigating officer, it is crystal clear that not a single worker has been given training to work in such a hazardous industry. Therefore, it can be concluded after perusal of report dated 01.03.2026 and notice dated 21.06.2024 and the statement of various persons recorded by the Investigating Officer, that no training was given to the employees.

18. Further the judgments cited by the applicants are not helpful at this stage as this is not the stage to appreciate the evidence or material and give findings whether Section 105 or Section 106 of

BNS is attracted. It was also brought to my notice by the learned Senior Counsels that the shortcomings have already been complied with. To that effect, the applicants have placed on record certain documents. However, it is to be noted that the documents were never submitted to the DISH before the incident, and it appears that it was submitted at a later point of time. Further, on preliminary inspection dated 01.03.2026 i.e. date of incident DISH had noticed various violations which were conveyed previously also but were not complied.

19. Considering the above facts and circumstances, the applicants have failed to adhere to high standards of safety precautions which were required. They have also failed to comply with various provisions and notice dated 21/06/2024 wherein multiple safety deficiencies are mentioned. Despite the shortcomings noticed from time to time, notices were issued to SBL Company. Further for non-compliance six complaints were filed by the department and one first information was report filed against the SBL. Ultimately it only leads to one conclusion that the applicants were extremely reckless. They have continued their operations despite the fact that there were vital safety deficiencies resulting in the loss of 26 lives. Considering the gravity of the offence and the fact that the applicants are occupying Senior Managerial positions in the SBL, there is every risk of tampering of evidence. Further, the investigation is in the midst and is of highly technical in nature and

therefore, I am not inclined to grant bail. In view of the aforesaid, applications are rejected.

(M.M. NERLIKAR, J.)

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