

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2134 OF 2022

Haribhau Dnyandev Chemte	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

**WITH
INTERIM APPLICATION NO. 2960 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.2134 OF 2022**

CTR Manufacturing Industries Pvt. Ltd.	Applicant /
	.. Intervenor

IN THE MATTER BETWEEN:

Haribhau Dnyandev Chemte	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

**WITH
CIVIL CONTEMPT PETITION NO. 204 OF 2025
IN
INTERIM APPLICATION NO. 631 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO. 2134 OF 2022**

Haribhau Dnyandev Chemte	.. Petitioner
Versus	
The State of Maharashtra and Ors.	.. Respondents

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- Mr. S. B. Talekar a/w. Ms. Madhavi Ayyappan and Ms. Sulakshana Ghule, Advocates i/by Talekar and Associates for Applicant in Anticipatory Bail Application No.2134 of 2022 and Petitioner in Contempt Petition No.204 of 2025.
- Mr. Manoj Mohite, Senior Advocate a/w. Mr. Kushal Mor, Mr. Amit Jajoo, Mr. Nirav Parmar and Mr. Aryan Deshmukh, Advocates i/by IndusLaw for Complainant / Intervenor in Interim Application No.2960 of 2022.
- Ms. Sangeeta E. Phad, APP for Respondent – State.

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CORAM : MILIND N. JADHAV, J.
DATE : JULY 04, 2025

P.C.:

1. Heard Mr. Talekar, learned Advocate for Applicant in Anticipatory Bail Application No.2134 of 2022 and Petitioner in Contempt Petition No.204 of 2025; Mr. Mohite, learned Senior Advocate for Complainant / Intervenor in Interim Application No.2960 of 2022 and Ms. Phad, learned APP for Respondent – State in all proceedings. All three proceedings are disposed of by this common order.

2. Application No.2134 of 2022 for Anticipatory Bail is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short, “Cr.PC.”). Applicant is apprehending arrest in connection with F.I.R. No.142 of 2022 registered with Vimantal Police Station, Pune for offences punishable under Sections 381, 408, 411, 413, 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code, 1860 (for short “IPC”) and Section 63 of the Copyright Act,1957.

3. Briefly stated, CTR Manufacturing Industries Pvt. Ltd (for short “CTR”) is engaged in business of manufacturing Nitrogen Injection Fire Protection and Exhausting System (for short ‘the said product’) since the year 2000 and was granted Patent License No. 202302 for diagrams of the said product on 03.08.2006.

3.1. The Senior Manager of CTR is First – Informant in FIR No.142 of 2022 wherein allegations have been levelled against Easun MR Tap Changes Pvt. Ltd. (for short ‘EMRTC’) - a rival company, for theft of CTR’s patented product diagrams. CTR initiated a patent infringement proceedings against EMRTC. By order dated 06.11.2019, this Court appointed a Court Receiver. Upon further internal inquiry, it was revealed that CTR’s confidential diagrams were misappropriated and used by EMRTC. Two accused persons i.e. Design Engineers working with CTR in connivance with officers of EMRTC were alleged to have stolen the said diagrams, which were subsequently used to manufacture and sell the product at significantly lower prices to its customer companies, thereby causing wrongful loss to CTR.

3.2. CTR and EMRTC both submitted tenders for supply of the said product to Airport Authority of India. It is alleged that, EMRTC used CTR’s diagrams in its tender submission, and bagged the tender which resulted in EMRTC being awarded the contract. FIR No.142 of 2022 was filed by First – Informant – Senior Manager of CTR against some accused persons on 22.04.2022. Initially, Applicant was not named as accused in the FIR.

3.3. On 07.05.2022, a supplementary statement of First – Informant was recorded, wherein he stated that Applicant was employed in the Quality Control Department of CTR during the period

from 05.02.2016 to 18.11.2017 and it is alleged that Applicant alongwith other two accused namely Ayushraj and Sachin were involved in theft of patented diagrams of the product. Since Applicant was named in the supplementary statement he apprehended arrest and hence filed the present Anticipatory Bail Application.

4. Before adverting to the rival submissions of the learned Advocates at the Bar, it is necessary to briefly set out the sequence of proceedings that transpired in the interregnum as the Anticipatory Bail Application is vehemently opposed by the First – Informant. Applicant is protected by an interim order dated 05.05.2025.

5. Prior thereto, Applicant filed Anticipatory Bail Application before the Sessions Court, Pune. By order dated 29.07.2022 the said Application was rejected. Pursuant to which Applicant filed present Anticipatory Bail Application No. 2134 of 2022 before this Court. By order dated 10.08.2022 (Coram: P. K. Chavan J.) ad-interim relief was granted which continued to operate followed by ad-interim order dated 05.05.2025 (Coram: Shivkumar Dige, J.) till today.

6. On, 08.09.2022, First – Informant / Complainant filed Intervention Applicant No. 2960 of 2022 opposing the Anticipatory Bail Application filed by Applicant.

7. On 17.01.2025, Advocate for Applicant tendered a handwritten order dated 13.12.2024 passed by Judicial Magistrate First Class, Pune (for short “JMFC”) in this Court stating acceptance of the report under Section 169 of the Cr.P.C. by the Investigating Officer indicating no sufficient evidence against the Applicant.

8. Considering the said order of JMFC, Pune, this Court (Coram: P.K. Chavan J,) by order dated 17.01.2025, observed that nothing survived in the Anticipatory Bail Application and accordingly disposed of the same alongwith Intervention Application No. 2960 of 2022.

9. Subsequently, First – Informant / Complainant filed Interim Application No.631 of 2025 seeking cancellation of Anticipatory Bail and recall of order dated 17.01.2025 on the ground that the alleged / purported handwritten order dated 13.12.2024 tendered by the Advocate for Applicant was a forged and fabricated order as no such order was ever passed and the same was confirmed by JMFC, Pune by its order dated 25.02.2025 stating that no such order dated 13.12.2024 was passed by the said Court.

10. Considering the said facts and circumstances in the case, this Court (Coram: Shivkumar Dige, J.) in Interim Application No.631 of 2025 passed order dated 05.03.2025 by which order dated

17.01.2025 was recalled and Anticipatory Bail granted to Applicant was vacated. Additionally, directions were issued to Registrar (Judicial –I) of this Court to conduct inquiry with regard to the forged and fabricated hand written order and to lodge FIR against the persons involved. Interim Application No.631 of 2025 was accordingly allowed and disposed.

11. On 21.04.2025, a detailed order was passed by this Court (Coram: Shivkumar Dige, J.) by which ad-interim relief was granted which continues to operate till date while directing the Registrar Judicial of this Court to depute appropriate person to lodge the FIR with respect to the forged and fabricated judicial order which was produced before this Court.

12. Before order dated 05.03.2025 was passed by this Court, CTR approached JMFC, Pune by filing an Application under Section 340 of Cr.PC. and sought direction to Shivajinagar Police Station to register an offence against the Applicant and others. However, Mr. Mohite would submit that the said Application was rejected with liberty to file separate FIR. Thereafter, CTR approached this Court by filing Application under Section 340 of Cr.PC and registered a fresh FIR No.152 of 2025 at Vimantal Police Station which was in accordance with liberty given by the Magistrate. This Court had however directed the Registrar – Judicial to conduct an inquiry and

register FIR against all those who were found involved. Despite being aware of the same, CTR registered FIR No.152 of 2025 under Sections 420, 379, 406, 408, 411, 465, 468, 471, 201, 120-B of IPC read with Section 63 of the Copyright Act, 1957. Hence, Applicant has filed Contempt Petition No. 204 of 2025, against this act of the First – Informant – Complainant - CTR.

13. In the present case, it is seen that Application seeking Anticipatory Bail is vehemently opposed by First Informant on the ground of conduct of the Applicant and what has transpired before this Court delineated hereinabove. It is contended that Applicant has committed a serious offence by submitting a forged and fabricated judicial order in his favour before this Court through his Advocate to obtain an order in his favour thereby leading to commission of a serious offence.

14. Mr. Talekar, learned Advocate for Applicant would submit that present Anticipatory bail Application pertains to FIR No.142 of 2022 wherein Applicant's name is reflected in the supplementary statement dated 07.05.2022 as an alleged conspirator. He would submit that there is admittedly gross delay in filing FIR No.142 of 2022 for the alleged cause of action of 2016-2017. He would submit that alleged incident in the FIR is stated to have occurred in the year 2019 when Applicant was not in service. However the FIR is filed on

22.04.2022, after a delay of almost two and half years. He would submit that no explanation whatsoever is offered for the delay. He would submit that First – Informant was fully aware of all relevant facts way back in the year 2019.

14.1. He would submit that allegations in the FIR are not only vague and insufficient, however no specific details such as who had stolen, when was it stolen etc. are given. Further there are no allegations against Applicant in the original FIR. He would submit that it is only by way of supplementary statement, the First Informant has not only improvised its case but implicated Applicant's name as he had worked with CTR during the period from 2016-2017.

14.2. He would submit that CTR has wrongly claimed that the alleged stolen diagrams are an integral part of the patent registered in their favour. As a matter of fact, it is only one of the processes used in NIFPES i.e. the said product which is patented whereas the drawings of the oil pit are not a part of the patent. He would submit that the said drawings of the oil pit is a general drawing which is used in the industry openly and is easily available to everyone.

14.3. He would submit that Applicant has been falsely implicated in the alleged offence. He would submit that First Informant has mentioned the name of the Applicant in the

supplementary statement without giving any details of his involvement merely to implicate him. He would submit that none of the witnesses whose statements are recorded by the Investigating Officer have spelt out any role or involvement of Applicant, neither does the supplementary statement alleges or attributes any role to Applicant.

14.4. He would submit that Applicant was employed in CTR from 05.02.2016 to 31.10.2017 as a Trainee Quality Control Assistant in the Intank Tap Changer Division. He would submit that he played no role in product design or engineering and had no access to technical drawings or confidential diagrams related to the Company's product. He would submit that thereafter Applicant worked in the Marketing and Sales Departments of two other companies namely Mansoon Agro Ltd. as Sales and Marketing Executive from 01.12.2017 to 25.04.2018 and at Telawne Cromtekton as Marketing Executive from 16.05.2018 to 29.12.2018. He would submit that Applicant thereafter joined EMRTC only on 02.01.2019 as Sales Engineer for the Pune region, again in a non-technical role with no involvement in product development or technical diagrams.

14.5. He would submit that EMRTC independently filed a Patent Application titled "Method and System for Protecting Transformers from Internal Fire" before the United States Patent and Trademark Office (USPTO) on 29.12.2016, which was subsequently

published on 11.05.2017, i.e. much before Applicant joined EMRTC. He would submit that it is evident that Applicant's implication in the present case is a complete afterthought and is motivated by the Complainant's rivalry with EMRTC and nothing more.

14.6. He would submit that the Investigating Officer has completed the investigation and filed a chargesheet in the present matter. He would submit that since no material is found against the Applicant, he is not chargesheeted. He would submit that this Court had confirmed the ad-interim relief and allowed the Application for Anticipatory Bail even otherwise before the forged and fabricated judicial order dated 13.12.2024 was produced. Hence, he would submit that Applicant has not benefitted from the said forged order and Applicant's case is a genuine one. He would submit that Applicant has cooperated with the investigation and visited the Police Station every week as per the conditions of the Anticipatory Bail granted by this Court. He would submit that as such the natural corollary of the said fact is that if a charge-sheet is filed where the accused is on anticipatory bail, the normal implication would be that there is no occasion for the Investigating Agency or the police to require his custody, because there would have been nothing in his behaviour requiring such a step. He would submit that in other words, an accused, who is granted anticipatory bail, would continue to be at

liberty when the chargesheet is filed, as held by the decision of the Supreme Court in the case of *Sushila Aggarwal and Ors. Vs. State (NCT of Delhi) and Anr.*¹.

14.7. In support of his above submissions, Mr. Talekar has referred to and relied upon the decisions of the Supreme Court in the following cases:-

- (i) *Reliance Petrochemicals Ltd. Vs. Proprietors of Indian Express Newspapers, Bombay Pvt. Ltd. And Ors.*²
- (ii) *Kapil Agarwal and Ors. Vs. Sanjay Sharma and Ors.*³
- (iii) *Celir LLP Vs. Sumati Prasad Bafna*⁴

14.8. Hence he would pray that Anticipatory Bail Application of Applicant may be allowed on any terms and conditions as deemed fit by the Court without being influenced by the subsequent FIR filed by the Registrar Judicial as that cause of action is different and has no nexus with the allegations leveled in FIR No. 142 of 2022.

15. Mr. Mohite, learned Senior Advocate would vehemently submit before the Court that such an accused – Applicant would not be entitled to the discretionary relief of anticipatory bail in the facts of the present case on the following grounds:-

¹ (2020) 4 SCC 1

² (1988) 4 SCC 592

³ (2021) 5 SCC 524

⁴ 2024 SCC OnLine SC 3727

- (i) that he has forged a judicial order of the Subordinate Court's and presented it before this Court through his present;
- (ii) that he has conspired and played a pivotal role in manufacturing a forged and fabricated judicial order of discharge dated 13.12.2024 to gain undue advantage in the present proceedings when no such order was ever passed by the said Court;
- (iii) that Applicant through his Advocate produced a forged and fabricated order and placed it before this Court and thus misrepresented and mislead this Court in passing order for disposal of the pending Anticipatory Bail Application against him and has taken undue advantage thereof;
- (iv) that only after the same having been disclosed and unearthed by the First Informant, this Court in Interim Application No.631 of 2025 passed order for conducting inquiry and additionally to lodge FIR against the persons responsible for forged and fabricated order;

- (v) that FIR has already been filed in respect of commission of the act of forgery and preparation of a forged judicial order of which undue benefit was taken by the Applicant.

15.1. He would submit that the aforementioned issues deserve consideration for hearing the Anticipatory Bail Application of Applicant especially in view of the fact that by virtue of his actions, Applicant misled this Court in passing a disposal order in his Anticipatory Bail Application knowing fully well that he had filed a forged and fabricated judicial order which was never passed by the Court. He would urge the Court to consider this aspect and vehemently argue that Applicant is disentitled to discretionary relief of Anticipatory Bail in view of his above conduct as the JMFC Court on investigation confirmed that it had never passed any such order of discharge in favour of Applicant.

15.2. That apart, he would submit that pursuant to inquiry carried out by the Registrar of this Court under order dated 05.03.2025 of this Court, the Registrar in his Report has confirmed that the order submitted before this Court was a forged and fabricated order and therefore Applicant cannot be given any benefit of doubt for his action.

15.3. He would submit that in view of the aforesaid gross facts, this Court recalled its earlier order dated 17.01.2025 which was fraudulently obtained by Applicant and his Advocate and the Registrar of this Court was directed to conduct an inquiry and file FIR against all persons involved in the said act. He would submit that Applicant has never taken a stand that he did not commit any forgery nor was involved in any manufacture of the order and merely stated that the said order was given to him by his Advocate in the Trial Court. He would vehemently submit that by virtue of the said forged and fabricated order the only person who could derive benefit therefrom is the Applicant as he was its sole beneficiary, hence his defence that the said order was given to him by his Advocate deserved to be rejected.

15.4. He would submit that in such gross facts and circumstances Applicant does not deserve to be granted Anticipatory Bail in the case filed by the First Informant and his custodial interrogation is necessary for ascertaining the charges and allegations made in the subsequent complaint filed by the First Informant namely FIR No.142 of 2022 registered with Vimantal Police Station, Pune as also the FIR filed by the Registrar Judicial of this Court.

15.5. In support of his submissions, Mr. Mohite would refer to and rely upon the following decisions of the Supreme Court and this Court:-

- (i) *Naveen Singh Vs. State of Uttar Pradesh and Anr.*⁵;
- (ii) *Hiral Chandrakant Jadhav Vs. State of Maharashtra*⁶; and
- (iii) *Vinaykumar Ashok Khatu Vs. The State of Maharashtra and Anr.*⁷.

16. I have heard both the learned Advocates for the parties at the bar and the learned APP Ms.Phad and considered the submissions made by them and perused the record of the case.

17. *Prima facie* there are 3 proceedings; firstly Anticipatory Bail Application No.2134 of 2022 filed by Haribhau Dnyandev Chemte; secondly Interim Application No.2960 of 2022 filed by CTR Manufacturing Industries Pvt. Ltd. to oppose the Anticipatory Bail Application of Applicant and thirdly Contempt Petition No.204 of 2025 filed by Petitioner – Applicant against CTR Manufacturing Industries Pvt. Ltd. for breach and disobedience of the judgment and order dated 05.03.2025 passed in Interim Application No.631 of 2025 in the present Anticipatory Bail Application by this Court (Coram: Shivkumar Dige, J.).

18. I have also considered the submissions made by Mr. Mohite which are delineated herein above.

⁵ (2021)

⁶ 2024 SCC Online Bom 32

⁷ ABA No.2603 of 2024 – Dated 14.10.2024.

19. Record shows that the order dated 05.03.2025 has been subsequently complied with and appropriate FIR No. 78 of 2025 has been filed by the Registry of this Court. It is seen that FIR No.71 of 2025 was registered with Azad Maidan Police Station by the Section Officer of this Court as directed by this Court. However the said FIR was quashed and set aside by order dated 05.05.2025 due to an error committed by the Section Officer. However, in the interregnum First Informant filed an FIR No.152 of 2025 on its own. The Registry has filed fresh FIR No.78 of 2025 in compliance of the order passed by this Court. Filing of the FIR No.152 of 2025 by CTR is alleged to be contemptuous. However since fresh FIR is filed by the Registry of this Court and there is effective compliance, I am not inclined to hold that First Informant – Complainant is liable for contempt. Hence the Contempt Petition No.204 of 2025 is dismissed.

20. On merits there are two distinct issues which are argued before me by the learned Advocates appearing for the parties. The first leg of the submission pertains to the proceedings which emanate from FIR No.142 of 2022 registered with Vimantal Police Station, Pune. Case of the First Informant – Complainant is that Applicant was its erstwhile employee and he was employed in the Quality Control Department of CTR and he provided the diagrams of the said product

to his present Company called EMRTC by virtue of which EMRTC was successful in bidding for the tender / contract.

21. It is *prima facie* seen that admittedly there is a delay of 2 ½ years in filing the FIR No.142 of 2022 primarily because the cause of action stated in the FIR pertains to a period much prior in point of time. That apart, it is seen that name of Applicant Haribhau Dnyandev Chemte does not figure in the FIR filed in the first instance, but it reflected only in the supplementary statement recorded on 07.05.2022 as a member of the group having committed criminal conspiracy. Details and specifics are not stated save and except a bald allegation is made on the basis that during 2016-2017 he had worked with CTR.

22. It is seen that in the principal FIR case of First Informant – Complainant is directed against two other employees named therein who were working with the First Informant – Complainant in the recent past and who had left the said Company for better prospects and joined employment with EMRTC, a rival Company in the market.

23. It is seen that despite the learned Additional Sessions Judge – 15, Pune rejecting the Anticipatory Bail Application filed by the Applicant by order dated 29.07.2022 in the first instance, this Court by order dated 10.08.2022 granted interim order in the Anticipatory Bail Application of the Applicant. This was primarily on

the basis and ground that four other persons in the same FIR were already granted Anticipatory Bail and also having considered the facet of delay in filing the FIR after 2 and ½ years after the cause of action.

24. That apart, it is seen that investigation in the FIR No.142 of 2022 has been completed and investigation and charge-sheet is already filed before the JMFC Court. What is intriguing in the fact that in the charge-sheet the name of Applicant and another co-accused namely Ravikumar Ramaswamy is stated to be dropped from the charge-sheet for want of evidence against them.

25. There is no doubt that the subsequent incident of producing the forged order has led to filing of the second FIR against the Applicant, but that is a separate cause of action which will take its course to its logical end in accordance with law..

26. In my opinion, the subsequent event has no nexus whatsoever with the cause of action in the FIR filed by the First Informant – Complainant - CTR Manufacturing Industries Pvt. Ltd. as both the issues pertain to separate causes of action. No doubt by implication a nexus is established with the Applicant as he is arraigned as co-accused, but it will depend upon the prosecution to prosecute the said case against him.

27. Needless to state that findings and observations herein shall not affect or influence the prosecution of the second FIR lodged by the Registry of this Court in the present case or any other proceedings taken out strictly in accordance with law by the parties.

28. Needless to state that both the causes of action and the FIR filed under the orders of this Court will be investigated and tried strictly in accordance with law. Be that as it may, in so far as FIR No. 142 of 2022 is concerned, in view of the above observations and findings, on merits, I am of the clear opinion that Applicant has made out a case for grant of Anticipatory Bail.

29. Submissions made by Mr. Mohite, learned Senior Advocate appearing on behalf of CTR have been taken into cognizance, but they do not persuade me to reject the discretionary relief of Anticipatory Bail to the Applicant on the ground that due to the subsequent event the Applicant would not be entitled to the discretionary relief of Anticipatory Bail in FIR No.142 of 2022 .

30. In that view of the above, Anticipatory Bail Application No.2134 of 2022 stands allowed in terms of prayer clause (a), however subject to the following terms and conditions:-

- (i) In the event of the arrest, Applicant be enlarged on bail on executing PR. Bond in the sum of

Rs.50,000/- with one or two sureties in the like amount;

- (ii) Applicant shall report to the Investigating Officer of the concerned Police Station on the second Sunday of this month and thereafter as and when called for by the Investigating Officer;
- (iii) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;
- (iv) Applicant shall inform his latest place of residence and contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police;
- (v) Applicant shall deposit his passport with the Trial Court within a period of 2 weeks from today;
- (vi) Applicant shall not misuse his liberty in any manner or influence the First - informant, witnesses

or any person concerned with the case and he shall not tamper with the evidence;

(vii) It is directed that Applicant shall extend complete cooperation in the investigation of the instant case; and

(viii) If there is breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

31. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

32. Anticipatory Bail Application No.2134 of 2022 is allowed and disposed.

33. Contempt Petition No.204 of 2025 is dismissed and accordingly disposed.

34. In view of disposal of Anticipatory Bail Application and Contempt Petition, pending Interim Application No.2960 of 2022 filed by First – Informant is accordingly disposed.

Ajay

[MILIND N. JADHAV, J.]