

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1516 OF 2025

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Haribhau Dnyandev Chemte

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO.1856 OF 2025

Shrikant B. Potnis

...Applicant

Versus

The State of Maharashtra

...Respondents

Mr. S. B. Talekar a/w Ms. Madhavi Ayyappan i/b Talekar & Associates,
for the Applicant.

Mr. Manoj Mohite, Senior Advocate a/w Amit Jajoo, Nirav Parmar &
Aryan Deshmukh i/b Trilegal, for the Intervenor in ABA/1516/2025.

Mr. Kushal Mor a/w Mr. Amit Jajoo, Nirav Parmar & Aryan Deshmukh
i/b Trilegal, for the Intervenor in ABA/1856/2025.

Mr. A. R. Metkari, APP, for the Respondent-State.

A.PI. Sachin Dhamane, Vimantal Police Station, Pune City, District-Pune,
present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 15 SEPTEMBER 2025

P.C.:

1. This Court passed the following Order on 10th September 2025 :-

“1. The Anticipatory Bail Application is filed seeking protection concerning F.I.R. No. 152 of 2025 registered with Vimantal Police Station, District-Pune under Sections 318, 246, 340, 339 and 337 of Bhartiya Nyaya Sanhita, 2023.

2. The learned Additional Sessions Judge, Pune in the Order dated 13th May 2025 passed in Criminal Bail Application No. 2266 of 2025 filed by the Applicant- Haribhau Dnyandev Chemte has set out the prosecution case in paragraph No.2, as under :

*2] On perusal of the record including the FIR, it appears to be alleged in the FIR that **the present applicant / accused forged order dated 13/12/2024 below closure report under Section 169 of the Cr. P. C. in a crime bearing No. 142/2024 registered with Vimantal Police Station. It is further alleged that though the present applicant / accused was well aware that the order was forged one, he produced the same through his advocates in an anticipatory bail application pending before the Hon'ble High Court. It is further alleged that on the basis of the said order, the Hon'ble High Court granted anticipatory bail to this accused in the said crime. With these allegations, the FIR came to be registered.***

(Emphasis added)

3. The learned Additional Sessions Judge, Pune in said Order dated 13th May 2025 has observed in paragraph No. 6 as under :

*6] **Though the applicant /accused has come up with a defence that he did not instruct his advocate on record to get and file the same before the Hon'ble High Court, however, it cannot be forgotten that the present applicant / accused was the ultimate beneficiary of the said order. Therefore, there is force in the allegations of the prosecution that this accused forged the said order and made it to file before the Hon'ble High Court.***

4. This is very serious matter where the forged Order purported to have been passed by the learned J.M.F.C., Pune has been produced before this Court and on the basis of the

said Order, a learned Single Judge (Prithviraj K. Chavan, J) passed Order dated 17th January 2025 in Anticipatory Bail Application No.2134 of 2022.

5. Today, while arguing the matter initially, Mr. Talekar, learned Counsel appearing for the Applicant raised contention that at no point of time, the Applicant-Haribhau Dnyandev Chemte has instructed his Advocate to tender the said Order purported to have been passed by the learned J.M.F.C., Pune before the learned Single Judge (Prithviraj K. Chavan, J) which according to the prosecution is a forged and fabricated Order, however, thereafter Mr. Talekar, learned Counsel submitted that he is withdrawing the said contention.

6. Mr. Manoj Mohite, learned Senior Counsel points out Order dated 5th March 2025 passed by a learned Single Judge (Shivkumar Dige, J.) in Interim Application No. 631 of 2025 in Criminal Anticipatory Bail Application No.2134 of 2022 and more particularly paragraph 3 of the same, which is as under :

“3. It is contention of learned Counsel for Respondent No.1- original Applicant that, the order of JMFC produced before this Court was not forged and fabricated. The said order was tendered by the concerned advocate on the instructions of his client.”

7. Today, the Applicant Haribhau Dnyandev Chemte is not present in Court. However, in view of the contradictory contentions raised that the Advocate was instructed to tender said order and before the learned Additional Sessions Judge and initially before this Court that the Advocate who has appeared in Anticipatory Bail Application No.2134 of 2022 was not instructed to tender said Order and in the peculiar facts and circumstances of the case, it is necessary to hear the Application in the presence of the Applicant- Haribhau Dnyandev Chemte.

8. *Mr. Talekar, learned Counsel states that the Applicant-Haribhau Dnyandev Chemte will remain present in Court on 15th September 2025.*

9. *Stand over to **15th September 2025**. To be shown fairly high on board. Ad-interim relief if any, operating till today shall remain in operation till next date."*

2. Pursuant to above Order dated 10th September 2025 the Applicant - Haribhau Dnyandev Chemte is personally present in Court.

3. Stand over to **16th September 2025**. To be shown fairly 'high on board'.

4. The Applicant - Haribhau Dnyandev Chemte is directed to personally remain present on each and every date of the hearing of the Anticipatory Bail Application No.1516 of 2025.

5. Ad interim relief, if any operating until today, shall remain in operation till the next date.

[MADHAV J. JAMDAR, J.]