

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

**INTERIM APPLICATION NO.631 OF 2025
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2134 OF 2022**

CTR Manufacturing Industries Pvt. Ltd. Intervenor/
Complainant

IN THE MATTER BETWEEN

Haribhau Dyandev Chemete Applicant

V/s.

State of Maharashtra Respondent

**NILAM
SANTOSH
KAMBLE**

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Mr.Manoj Mohite, Senior Advocate a/w Mr.Kushal Mor and
Mr.Amit Jajoo, Mr.Nirav Parmar, Mr.Aryan Deshmukh, for the
Intervenor.

Mr.Satish Talekar, for Original Applicant/Respondent.

Ms.Poonam Bhosale, APP, for Respondent-State.

Mr.Sachin Dhamane, API, Vimantal Police Station, Pune city.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th MARCH 2025

P.C:-

. By this Application, the Applicant-First Informant
seeks cancellation of Anticipatory Bail granted to the Respondent
(Original Applicant) on the ground that, the Respondent had
tendered the order of Judicial Magistrate First Class, Pune

(‘JMFC’ for short) before this Court showing that the learned Judge has accepted the report filed under Section 169 of the Criminal Procedure Code (‘Cr.P.C’ for short) by the Investigating Officer indicating that, there is no sufficient evidence against the Respondent (Original Applicant).

2. It is contention of learned senior counsel for the Applicant that, on the basis of the report of JMFC, this Court (Coram : Prithviraj K. Chavan, J.) has disposed of the Anticipatory Bail Application filed by the Respondent (Original Applicant) but the order of JMFC produced before this Court was forged and fabricated. The learned JMFC has passed the order on 25th February 2025 observing that, the hand written order produced before this Court was forged and fabricated, hence, requested to allow the Application and recall the Anticipatory Bail Order granted to the Respondent. Learned Senior Counsel further submitted that appropriate action be taken against the Respondent and direction be given to register FIR against the persons who are involved in it.

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. Learned counsel further submitted that, if this Court comes to the conclusion that the order of the JMFC is forged and fabricated, then this Court has to follow the principles laid down by the Hon'ble Apex Court in the case of Iqbal Singh ***Marwah & Anr. V/s. Meenakshi Marwah & Anr.***¹

4. It is contention of learned Senior Counsel for the Applicant that, in the Affidavit tendered by the Respondent, he admits about enquiry to be conducted as provided in Cr.P.C. and also admits recall of the order. Hence, requested to pass appropriate order.

5. Learned Counsel for the Respondent submits that, though learned Senior Counsel is stating that, the Respondent has admitted in his Affidavit about recall of the order but the Respondent has not admitted said fact.

6. The learned APP submitted that, action be taken

1 (2005) 4 Supreme Court Cases 370

against the culprit.

7. I have heard all learned counsel. Perused the order passed by this Court and order passed by the JMFC, Pune dated 25th February 2025.

8. While disposing of the Anticipatory Bail Application of the Respondent (Original Applicant), this Court (Coram : Prithviraj K. Chavan, J.) has observed as under:-

“The learned counsel for the Applicant has tendered a hand written order of Judicial Magistrate First Class, Pune, passed on a report tendered by the Investigating Officer under Section 169 of the Criminal Procedure Code (Cr.P.C). The report indicates that, there is no sufficient evidence against the Sachin Vetal, Haribhau Chemte and Ravikant Rama Swamy and, therefore, report under Section 169 of Cr.P.C. came to be filed, which was accepted by the learned JMFC.

In view of the said order, nothing survive in Application No.2134 of 2022 and as such, it stands disposed of.”

Liberty to the learned counsel for the Complainant to take necessary steps in accordance with law.”

In view of the disposal of the Anticipatory Bail Application, Interim Application No.2960 of 2022 shall also stands disposed of.”

9. The above order was passed on the basis of handwritten order of learned JMFC tendered before this Court.

The order passed by the learned JMFC, Pune, below Exhibit-88 shows that, the said Court has not passed any such order on 13th December 2024. Admittedly this Court has disposed of the Anticipatory Bail Application of the Respondent (Original Applicant) on the hand written order of the JMFC but it appears that the said order is forged and fabricated. The Respondent in his affidavit has stated that he has no objection to recall the order.

10. Considering these facts, the order passed by this Court dated 17th January 2025 in Anticipatory Bail Application No.2134 of 2022 is recalled. The interim anticipatory bail granted to the Respondent (Original Applicant) is vacated.

11. Registrar (Judicial-I) is directed to make an enquiry in respect of forged and fabricated hand written order of JMFC, Pune, produced before this Court and lodge FIR against the persons involved in it.

(SHIVKUMAR DIGE, J.)