

Amberkar

**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. Satish Talekar a/w. Ms. Sulakshana Ghule, Ms. Shivali Tikate & Mr. Satyajeet Salve i/by Talekar and Associates, Advocates 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
- Ms. Sangeeta E. Phad, APP for Respondent – State.

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CORAM : MILIND N. JADHAV, J.
DATE : JULY 08, 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.
2. Praecipe is filed by Complainant / Intervenor before me dated 07.07.2025 for seeking certain corrections in the order dated 04.07.2025 passed in above captioned Anticipatory Bail Application (ABA). The corrections which are sought for by Complainant / Intervenor are in respect of certain factual observations recorded in paragraph Nos. 12, 27 and 30(ii) of the said order.
3. The praecipe is in fact vehemently opposed by Mr. Talekar on the premise that if the Court considers the same and grants it, it would amount to the Court changing the nature of the order of Anticipatory Bail which has been passed.
4. At the outset I would like to deal with the opposition raised by Mr. Talekar before I advert to the corrections which are required to be granted as the corrections sought for are purely in the nature of correcting the facts of the case which are already on record.

5. Firstly with respect to paragraph No.27, findings and observations are recorded in the order dated 04.07.2025 wherein it has been stated that the said findings and observations in the order shall not affect or influence the prosecution case with respect to the second FIR which is lodged by the Registry of this Court in the present case. Mr. Mohite would persuade the Court to however include all proceedings which have been lodged or filed and which are pending before the Enforcement Agencies by the parties. In that regard, I do not find any reason not to accept the submission made by Mr. Mohite. In view thereof at the end of paragraph No.27 the words "*or any other proceedings taken out strictly in accordance with law by the parties.*" are directed to be added. In my opinion addition of these words do not change the nature of the order granting Anticipatory Bail.

6. Insofar as correction sought for in paragraph No.30(ii) is concerned, in 3rd line of the said clause (ii), there is incongruity in the sentence which has been stated when read. The sentence is also grammatically incorrect in syntax. In the said clause, Applicant has been directed to present himself before the concerned Police Station on the first Sunday of every month but the tenure stated is of one month only. Mr. Talekar in this regard has been more than fair in persuading the Court to correct the sentence accordingly so that it

reads correctly. In view thereof, original clause (ii) of paragraph No. 30 be deleted and replaced as follows:-

"(ii) Applicant shall report to the Investigating Officer of the concerned Police Station on the second Sunday of this month at 12.00 noon and thereafter as and when called for by the Investigating Officer."

7. That brings me to the opposition raised by Mr. Talekar insofar as paragraph No.12 is concerned. Factual errors of narration and submission of facts have been incorrectly recorded therein which are opposed to be corrected by Mr. Talekar. Such correction is required otherwise the order proceeds on incorrect facts and wrong premises considered by the Court. The reason why paragraph No. 12 needs correction is because the same pertains to narration of facts and not the submissions made by the respective Advocates or observations or findings of the Court. Despite reasoning out the same, Mr. Talekar still insists to oppose correction of facts in paragraph No. 12. Such conduct of Mr. Talekar is not appreciated by Court. In any event, such correction of facts does not alter the order granting Anticipatory Bail. The order remains as it. Hence there is no occasion to change the nature of the order. The order granting Anticipatory Bail is not modified neither interfered with by this order. He has placed before me a decision of the Supreme Court in the case of ***Akhil Bhartvarshiya***

Marwari Agarwal Jatiya Kosh & Ors. v. Brijlal Tibrewal & Ors¹ and read paragraph No.11 thereof. He would submit that the praecipe for speaking to the minutes of the order as filed by Complainant / Intervenor if allowed by Court insofar as paragraph No.12 is concerned would amount to modifying the order and such a course is not open to the High Court to be decided on a praecipe for speaking to the minutes of the order as this Court would then travel beyond its jurisdiction and scope in such a case. I however do not agree with the submissions made by Mr. Talekar. Paragraph No.12 requires the necessary correction of facts as per the record of the case. Record shows that it was before passing of the order dated 05.03.2025, Complainant had approached the JMFC Court whereas it is incorrectly recorded as "after". This needs to be corrected as per record. In that context the word "*deliberately*" appearing in line No.2 of the said paragraph is incongruous and incorrect and requires to be deleted. Mr. Mohite would submit that the Application however came to be rejected with liberty to file separate FIR. The words "*with liberty to file separate FIR*" do not appear in line No.5 of the said paragraph. The same is part of the record, hence the same needs to be added in order to ensure that no incorrect observations on facts is made by Court. Hence, I am inclined to add the words "*Mr. Mohite would submit that*" after the word "*However*" and the words "*with liberty to*

¹(2019) 2 SCC 684

file separate FIR" at the end of the sentence in line No. 5 of the said paragraph under reference.

7.1. Next correction which is sought is that the FIR filed by First Informant namely FIR No.152 of 2025 was in accordance with the liberty granted by the Magistrate which is observed in paragraph No. 12 and therefore the First Informant filed FIR No.152 of 2025 with Vimantal Police Station as that liberty which was given to the First Informant. It is a matter of record that the said liberty or direction was not given to the First Informant in the order dated 05.03.2025 passed by this Court (Coram : Shivkumar Dige, J.). That correction is therefore required to be made in line Nos.8 and 9 of paragraph No.12. The above corrections being factual errors are required to be corrected as per the record. Carrying out these corrections in no way change the nature of the Anticipatory Bail order. Thus, I direct that the said corrections be carried out accordingly in paragraph No.12.

7.2. In view of the corrections enumerated above in paragraph No. 12, the said paragraph No.12 will now read thus:-

"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."

8. The above corrections which are sought by Mr. Mohite are in the nature of factual correction of the record of the case and this Court is not modifying or changing the nature of the Anticipatory Bail order dated 04.07.2025 which has been passed in favour of Applicant. Paragraph No.12 in the order pertained to narration of facts only. The objections raised by Mr. Talekar are therefore rejected. Reliance placed by him on the decision of the Supreme Court is completely misconceived and misplaced in the present case. The footing on which the Supreme Court passed the scathing observations in paragraph No.

11 of the said decision were based upon the gross facts of that case wherein the High Court by passing specific operative directions for execution and registration of the document / conveyance in that case had altered the previous order which was passed by the High Court and therefore the Supreme Court observed that if such contrary directions were to be passed, they could not have been passed on an Application for speaking to the minutes of the order. Such is not the case before me for carrying out the factual corrections sought in paragraph No.12.

9. In view of above, I hereby direct carrying out the above corrections in paragraph Nos.12, 27 and 30(ii) accordingly in the order dated 04.07.2025 and upload the corrected order.

10. If Applicant still has any grievance, liberty is granted to the Applicant to apply.

11. Praecipe is allowed and disposed.