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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1516 OF 2025

Haribhau Dnyandev Chemte

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

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

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

Mr. Manoj Mohite a/w. Mr. Amit Jajoo, Mr. Niray Parmar and Mr. Aryan Deshmukh i/b. Trilegal, for the Intervenor/First Informant.

Mr. Kushal Mor a/w. Amit Jajoo, Mr. Nirav Parmar, Aryan Deshmukh i/b. Trilegal, for the Intervenor/First Informant.

Mr. Sachin Dhamane, API, Vimantal Police Station, Pune City, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 16th SEPTEMBER 2025

JUDGMENT:-

1. Heard Mr. Talekar, learned Counsel appearing for the Applicants, Mr. Metkari, learned APP appearing for the Respondent No.1-State and Mr. Mohite, learned Senior Counsel appearing for the Intervenor/First Informant.

2. This application is filed seeking pre-arrest bail in connection with C.R. No.152 of 2025 registered with Vimantal Police Station,

Pune for the offence punishable under Sections 246, 318, 337, 339, 340 of the Bharatiya Nyaya Sanhita, 2023 (“BNS”).

3. Mr. Talekar, learned Counsel appearing for the Applicant raised the following submissions:

- i. Learned Counsel submitted that Vimantal Police Station, Pune has no jurisdiction to lodge the F.I.R.. Learned Counsel pointed out the order dated 5th March 2025 passed by a learned Single Judge and submitted that as a learned Single Judge has issued direction to the (Registrar Judicial-I) 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 and therefore no other FIR can be lodged. He pointed out order dated 21st April 2025 passed by this Court in Criminal Anticipatory Bail Application No.2134 of 2022 filed by the present Applicant along with Contempt Petition No.204 of 2025 and Interim Application No.2960 of 2022. By the said order dated 21st April 2025 a learned Single Judge has directed the learned Registrar (Judicial) to depute the appropriate person to

lodge the FIR. Learned Counsel submits that in view of the said directions and lodging of the FIR by the registry of the High Court, the Vimantal Police Station, Pune has no jurisdiction to register the FIR.

ii. Learned Counsel submits that in fact, an attempt has been made by the Complainant to file the FIR with Shivaji Nagar Police Station, Pune where the Court of learned Judicial Magistrate First Class, Pune (“JMFC”) is situated. However, Shivaji Nagar Police Station, Pune has refused to lodge the FIR.

iii. Learned Counsel submits that in fact, learned 15th Jt. JMFC, Pune by order dated 25th February 2025 passed below Exhibit-88 in RCC No.3466 of 2023 held that as the alleged forged order is produced before the Bombay High Court, the appropriate authority would be Bombay High Court for lodging the FIR. He therefore, submits that lodging of FIR by the Complainant with the Vimantal Police Station, Pune is for the *mala fide* purpose and in any case without

jurisdiction and therefore, the Applicant is entitled for pre-arrest bail.

- iv. Learned Counsel submits that as per Section 215 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**”), no Court shall take cognizance of any offence inter alia punishable under Sections 246 (as per Section 215(1)(b)(i) of BNSS) and of Section 340 (as per Section 215(1)(b)(ii) of BNSS) except on the complaint in writing of that Court or by such officer of the Court as that Court may authorise in writing in this behalf, or some other Court to which that Court is subordinate.
- v. Learned Counsel also pointed out Interim Application filed by the Complainant in this Court and submitted that even it is the contention of the Complainant that the record of the said RCC No.3466 of 2023 or connected matters has not been kept properly.

vi. Learned Counsel submitted that, as and when called by the Police, the Applicant has attended the Police Station and co-operated with the investigation.

vii. Learned Counsel also relied on the following decision of the Supreme Court to substantiate his contentions:

i. *Bandekar Brothers Private Limited vs. Prasad Vassudev Keni*¹

ii. *Arnab Ranjan Goswami vs. Union of India*²

iii. *Amish Devgan vs. Union of India*³

iv. *Tarak Dash Mukharjee vs. State of Uttar Pradesh*⁴

v. *Kapil Agarwal vs. Sanjay Sharma*⁵

viii. Learned Counsel submitted that Mr. Atharva R. Bhingardive, learned Advocate had not been instructed to produce said order of learned JMFC before this Court in said Anticipatory Bail Application No.2134 of 2022. However,

1 (2020) 20 SCC 1

2 (2020) 14 SCC

3 (2021) 1 SCC

4 (2022) SCC OnLine SC 2121

5 (2021) 5 SCC

thereafter Mr. Talekar, learned Counsel withdrew the said submission.

4. On the other hand, Mr. Mohite, learned Senior Counsel appearing for the Complainant/First Informant has raised the following contentions:

- i. Learned Senior Counsel submitted that the FIR in C.R. No.142 of 2022 registered with Vimantal Police Station, Pune is different and distinct than C.R. No.152 of 2025 registered with Vimantal Police Station, Pune. He submitted that the only connection between these two FIRs is that to get benefit in FIR No.142 of 2022, an order purported to have been passed by the learned JMFC, Pune has been forged and fabricated and the said order is used at the hearing of the Anticipatory Bail Application filed in the High Court concerning C.R. No.142 of 2022. However, he submits that the intention in preparing the said forged and fabricated order, purported to have been passed by the learned JMFC, Pune is not limited to the extent of producing the same in the Anticipatory Bail Application, but the intention is to get

completely exonerated in C.R. No. 142 of 2022 registered with Vimantal Police Station.

- ii. Learned Senior Counsel submits that as far as C.R. No.78 of 2025 which has been lodged at Azad Maidan Police Station, Mumbai by the registry of the Bombay High Court and the subject FIR i.e. C.R. No.152 of 2025 there is some similarity, however, the distinction is that C.R. No.78 of 2025 has been registered with Azad Maidan Police Station, Mumbai as the forged and fabricated order purported to have been passed by the learned JMFC, Pune has been actually produced before the learned Single Judge (Coram: Prithviraj K. Chavan, J.) in Anticipatory Bail Application No.2134 of 2022 filed by the present Applicant and on the basis of the same, the said learned Single Judge has passed the order dated 17th January 2025 and as far as subject FIR No.152 of 2025 lodged at Vimantal Police Station, Pune is concerning the said forged and fabricated order has been prepared for the purpose of using the same in all the proceedings concerning FIR No.142 of 2022 which has been lodged at Vimantal Police Station, Pune.

- iii. Learned Senior Counsel submits that in fact, although there are some similarities or some of the factual aspects are identical in the FIR which has been lodged by the registry of the Bombay High Court and subject FIR No.152 of 2025, however, there is distinction between both of them as set out herein above.
- iv. Learned Senior Counsel submits that in any case, finally both these FIRs can be merged together in one criminal case, if the Court ultimately passes the order to that effect. However the same cannot be done at this stage when the investigation is in progress.
- v. As far as the contention that the Applicant is not beneficiary of the forged and fabricated order, he submitted that the said order dated 17th January 2025 passed by a learned Single Judge (Coram: Prithviraj K. Chavan, J.) makes specific reference to the said forged and fabricated order and on the basis of that, Anticipatory Bail Application No.2134 of 2022 has been disposed of. Thus, he submits that the Applicant is beneficiary of the said order. In that context, he

pointed out the decision of the Supreme Court in the case of *Navin Singh vs. State of Uttar Pradesh* ⁶and submitted that once prima facie it is found that the Applicant is beneficiary of such forged /manipulated Court order and having taken advantage of the said order thereafter, it is not for the Applicant to contend that the said forged and fabricated order has been prepared by the Advocate Tushar Chavan and further that Advocate Atharva Bhingardive has not been instructed to submit the said order in the High Court. Learned Senior Counsel submits that these contentions raised are totally false.

vi. As far as the contention raised that the FIR can be lodged only by the concerned Court, he submits that Section 215 of the BNNS will have application only if the offence is committed with respect to the document after it has been produced in any Court or given in evidence in any Court i.e. during the time when the document is in *custodia legis*. Learned Senior Counsel submits that in the present case, forged and fabricated order of the learned JMFC, Pune is

6 (2021) 6 SCC 191

prepared and the same is produced before the High Court. However, as the said order which has been prepared is not part of the Court record, in the sense, the learned JMFC, Pune has not passed the said order and forgery in such order passed by learned JMFC has not taken place, the subject order cannot be custodia legis as the same is not part of the record of the learned JMFC, Pune. He submits that therefore, Section 215 of the BNSS will have no application. To substantiate said contention, he relied on the decision of the Supreme Court in the case of *Iqbal Singh Marwah vs. Meenakshi Marwah*⁷.

vii. As far as the contention raised regarding territorial jurisdiction, learned Senior Counsel has relied on the decision of the Supreme Court in *Satvinder Kaur vs. State (Govt. of NCT of Delhi)*⁸ and more particularly on paragraph 10 of the same and submitted that where cognisable offence is disclosed and a case which requires investigation, the police officer cannot refuse to record the FIR and/or investigate it, on the ground of territorial jurisdiction and if

7 (2005) 4 SCC 370

8 (1999) 8 SCC

the Investigating Officer arrives at the conclusion after investigation that the crime was not committed within the territorial jurisdiction of the police station, then the FIR can be forwarded to the police station having jurisdiction over the area in which the crime is committed. He submits that as the crime has been committed for the purpose of getting proceedings in FIR No.142 OF 2022 closed, prima facie, Vimantal Police Station, Pune has jurisdiction to deal with the concerned FIR i.e. C.R. No.152 of 2025 and in the course of the investigation if it is found that some other police station has jurisdiction, then the FIR can be transferred to that police station.

viii. Learned Senior Counsel submits that the offence is very serious and therefore, custodial interrogation of the Applicant is necessary.

5. Mr. Metkari, learned APP submitted that the offence is very serious where the allegation is that forged and fabricated order of the learned JMFC, Pune has been prepared and therefore, the custodial interrogation of the Applicant is necessary.

6. Before considering the submissions advanced by all the learned Counsel, it is necessary to set out certain factual aspects:-

- i. From 5th February 2016 to 1st November 2017 the present Applicant was working in CTR Manufacturing Industries Pvt. Ltd. (“CTR”).
- ii. The Senior Manager of CTR is the Complainant/First Informant in subject C.R. No.152 of 2025 concerning the present Anticipatory Bail Application No.1516 of 2025.
- iii. The EMR Tab Changers Pvt. Ltd. (“EMR”) is according to the submission of Mr. Talekar, learned Counsel is rival company of CTR. The Applicant joined EMR as Deputy Sales Manager on 2nd January 2019.
- iv. C.R. No.142 of 2022 has been registered with Vimantal Police Station, Pune by Vitthal Bhagwan Jadhav, Senior Manager of CTR under Sections 381, 420 and 34 of the Indian Penal Code, 1860 and Section 63 of the Copyright Act, 1957. The prosecution case in said C.R. No.142 of 2022 is that the Applicant was erstwhile employee of CTR and

employed in Quality Control Department. The said CTR company is manufacturing Nitrogen Injection Fire Prevention System, which is patented product of CTR. It is the allegation that the Applicant provided the diagrams of the said product to EMR by virtue of which EMR was successful in bidding for the tender/contract. The Applicant's name was not mentioned in the FIR and his name was reflected in the supplementary statement of the First Informant.

- v. The Applicant filed Anticipatory Bail Application No.2134 of 2022 in this Court and has been granted interim protection by a learned Single Judge by order dated 10th August 2022.
- vi. On 28th July 2023, final report under Section 173 of the Code of Criminal Procedure, 1973 (“**CrPC**”) was submitted in the Court of learned JMFC, Pune concerning the said C.R. No.142 of 2022. As per the said report, Chargesheet is filed against 6 Accused and as far as Applicant and two other Accused are concerned report under Section 169 of CrPC has been filed as the Investigating Officer was of the opinion

that there is no sufficient evidence against the Applicant and said two Accused.

7. The above facts are set out as they are background facts and are part of the record. However, the above facts are not of much importance for the purpose of this Anticipatory Bail Application. The following factual aspects are most relevant for the purpose of this Anticipatory Bail Application :-

- i. It is the prosecution case that the forged and fabricated order dated 13th December 2024 purported to have been passed by the learned JMFC was prepared. The said purported forged and fabricated order dated 13th December 2024 purported to have been passed by the learned JMFC, Pune is annexed at page 76 as Exhibit-F to the Anticipatory Bail Application. The said Page No.76 is scanned and reproduced herein below :

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EXHIBIT- "F"

The 2.0 has submitted the report under Sr. 18) C.A.P.R. 82. Section 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

चोरुन मिळवलेले फायर डिटेक्टर खोलुन, डेमो करुन पाहील्यानंतर त्याचा पुरावा नष्ट केला. व तपासात सादर केलेले लॅपटॉप मधील माहिती डिलीट करुन ते सादर करुन पुरावा नष्ट केला.

यातील कॉलम नंबर 05 बी मधील आरोपी क्रमांक 06 आयुषराज सोनी याने फिर्यादीची कंपनी सोडल्यानंतर फिर्यादीच्या कंपनीच्या अतिशर्तीचा भंग करुन स्वतःचे लॅपटॉपमध्ये CTR कंपनीचे टेक्नीकल ड्राईंग, प्रझेन्टेशन, डायग्राम या बाबी सोबत नेवुन नंतर फिर्यादीच्या कंपनीच्या कामाशी समांतर असलेल्या आरोपीच्या कंपनीमध्ये काम मिळवले. व आरोपी सोबत संगणक करुन गुन्हाचे कटात सामील होउन इतर आरोपींना मदत केली.

अशाप्रकारे आरोपींनी फिर्यादीच्या कंपनीला गैरहाणी व स्वतःचा गैरलाभ करण्याचा कट रचुन फिर्यादीच्या कंपनीमध्ये तयार करण्यात येणारे NIFPS चे ड्राईंग, गोपनीय टेस्टिंग रिपोर्ट, Fire detector व Shutter valves ही उपकरणे असे चोरी व अपहाराच्या मागने मिळवुन त्यांचा वापर करुन आरोपींनी त्यांचे कंपनीमध्ये NIFPS चे उत्पादन करुन गैरलाभ मिळवला आणि फिर्यादी यांचे कंपनीची फसवणुक व गैरहाणी केली. म्हणुन यातील कॉलम नंबर 5 बी मधील आरोपी क्रमांक 01 ते 06 यांनी भादवी कलम 420, 379, 406, 408, 411, 465, 468, 471, 201, 120(ब) व कॉपी राईट ॲक्ट कलम 63 प्रमाणे गुन्हा केल्याचा चार्ज आहे.

टिप :- 1) सदर गुन्ह्यातील आरोपी सचिन परशराम वेताळ, वय 39 वर्ष, रा: विठ्ठल गल्ली कल्ले होळ, ता.जि. बेळगाव, कर्नाटक याला दिनांक 13/05/22 रोजी गुन्ह्यात अटक करण्यात आली होती. परंतु त्याचे विरुद्ध दोषारोपपत्र पाठवण्या ईतपत पुरावा मिळुन आला नसल्याने आरोपीस Cr.p.c. कलम 169 प्रमाणे गुन्ह्यातुन वगळण्यात येवुन त्या संबंधाने मान्यायालयास अहवाल सादर केला आहे.

2) प्रसेंच आरोपी हरीभाळ ज्ञानदेव चैमटे, वय 30 वर्ष, रा. एकनाथवाडी ता. पायथी, अहमदनगर व आरोपी रवीकुमार रामसुखामी, वय 65 वर्ष, प्रेसीडेंट व चीफ मॅनॅज्मन्सीएल ऑफिसर ईसन एमआर कंपनी चेन्नई, रा. 25 A, जुने पोस्ट ऑफिस इस्ता वैकटापुरम, अम्बालूर चेन्नई, यांचे विरुद्ध गुन्ह्यात दोषारोपपत्र पाठवण्या ईतपत सवळ पुरावा मिळाला नाही म्हणुन त्यांचे विरुद्ध दोषारोपपत्र दाखल करण्यात आले नाही.

3) सदर गुन्ह्यात आरोपींनी RDSO लखनौ यांचेकडुन फिर्यादीच्या कंपनीचे NIFPS चे गोपनीय रिपोर्ट, गोपनीय ड्राईंग मिळवले आहेत. त्यावर तपास करुन तसेच आरोपींनी फिर्यादीचे कंपनीचा फायर डिटेक्टर चोरी केला. शटर्वाळ गैरमार्गानी मिळवला यावर इतर अधिक पुरावा मिळुन आल्यास तो Cr.p.c. कलम 173(8) प्रमाणे मान्यायालयात सादर करण्याची मुभा असावी.

94. संदर्भ नोटीस बजावणी : होय / नाही तारीख : 24/09/2023

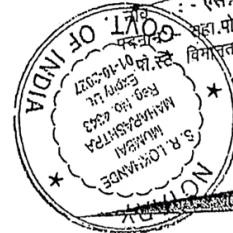
(पोचपावती सादर करावी)

प्रमारी अधिकाऱ्याने अग्रेषित केले.

नांव :- विलास सोड

पदनाम :- विलास सोड

दिनांक :- 24/09/2023



अंतिम अहवाल / आरोपपत्र सादर करणाऱ्या तपासणी अधिकाऱ्याची सही

- एस.एन. लहाने
सहा. पोलीस निरीक्षक,
विमानतळ, पुणे शहर

The said forged and fabricated order dated 13th December 2024 reads as under :-

“The I.O. has submitted the Report under sec 169 Cr.P.C. for accused Sachin Vetal, Haribhau Chemate and Ravikumar Ramaswamy. The notice has been issued to complainant on 30/01/2024. The complainant appeared in Court. But, did not filed Request Petition. Therefore, the Report u/s 169 of Cr.P.C. has been seen, filed and accepted. The bonds of the above mentioned accused stands cancelled.”

(Emphasis added)

The above purported order of the learned JMFC clearly shows that the above order is not intended to be used only for the purpose of producing the same before this Court in the pending Anticipatory Bail Application No.2134 of 2022 but the same is prepared for the purpose of ensuring that the criminal case arising out of CR No.142 of 2022 registered with Vimantal Police Station, Pune comes to an end.

- ii. The material on record shows that the said purported order is not passed by the learned JMFC, Pune. The said order has not been found in the record of the learned JMFC and the same is forged and the fabricated order.

iii. The said forged and fabricated order has been produced before a learned Single Judge (Coram:Prithviraj K. Chavan, J.) by Mr. Atharva R. Bhingardive, learned Counsel appearing for the Applicant and on the basis of the said forged and fabricated order, a learned Single Judge has passed the following order on 17th January 2025:

***“IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION ANTICIPATORY
BAIL APPLICATION NO. 2134 OF 2022***

Haribhau Dnyandev Chemte ... Applicant

Versus

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

State of Maharashtra ... Respondent

*Mr. Atharva R. Bhingardive a/w Ms.Laher Shah, for the
Applicant.*

Mr. P. H. Gaikwad, APP, for the Respondent-State.

*Mr. Manoj Mohite, Senior Advocate a/w Mr. Amit Jajoo,
Mr. Nirav Parmar, Mr. Aryan Deshmukh i/b Indus Law,
for the Intervenor.*

Mr. Chetan D. Bhosale, PSI, Vimantal Police Station, Pune City, present.

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 17th JANUARY, 2025.

P.C.

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.PC.). The report indicates that there is no sufficient evidence against the accused Sachin Vetal, Haribhau Chemte and Ravikumar Rama Swamy and, therefore, report under Section 169 of Cr.PC. came to be filed, which was accepted by the learned JMFC.

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

3 Liberty to the learned Counsel for the complainant to take necessary steps in accordance with law.

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

[PRITHVIRAJ K. CHAVAN, J.] ”

(Emphasis added)

- iv. The Complainant i.e. CTR Manufacturing Industries Pvt. Ltd. has on or about 11th February 2025 filed Interim Application No.631 of 2025 in Criminal Anticipatory Bail Application**

No.2134 of 2022 *inter alia* seeking cancellation of Anticipatory Bail granted to the present Applicant by recalling order dated 17th January 2025 and seeking that enquiry be directed on the ground that the order which has been produced by the Applicant purported to be of learned JMFC is forged and fabricated order.

- v. In the meanwhile, the Intervenor/original Complainant has filed application bearing Exhibit-88 in the Court of learned JMFC, Pune in RCC No.3466 of 2023 *inter alia* seeking directions to the Senior Police Inspector, Shivaji Nagar Police Station, Pune to register the FIR. The learned JMFC, Pune by order dated 25th February 2025 disposed of the said application bearing Exhibit-88 in RCC No.3466 of 2023. However, observations of the learned JMFC, Pune in the said order dated 25th February 2025 are relevant, which reads as under:

“Ld. Council for the complainant produced the photocopy of alleged forged order dated 13/12/2024. After perusal of that order, it seems that, the said order is passed in the margin open space of last page of the final report filed on 28/07/2023. Perusal of the original final report

more particularly last page dated 28/07/2023 reveals that this court did not pass any such order dated 13/12/2024. The margin open space on last page of final report is blank. As such it is clarified that this court did not pass the alleged order dated 13/12/2024 on the final report.

So far as request this court to recuse from this matter is concern, if the applicant wishes, he is at liberty to transfer this file to other court by making request to Hon'ble Principal District and Sessions Court, Pune.

So far as third request of FIR is concern, the alleged forged order is not produced before this court in this matter, the alleged forged order is produced before the Hon'ble Bombay High Court. As such the appropriate authority would be Hon'ble Bombay High Court. The applicant even may independently lodge FIR in the concern police station alleging forgery of document.

Hence, with these observations the present application is disposed of."

(Emphasis added)

Thus, the learned JMFC, Pune has specifically found that the said forged and fabricated order has been purported to have been passed in the margin open space on last page of final report filed on 28th July 2023. Learned JMFC, Pune found that perusal of the original final report more particularly margin open space shows that the same is blank and the

Court has specifically recorded that the Court has not passed any such order dated 13th December 2024. The margin open space on last page of the final report is blank. Learned JMFC, Pune further clarified that the Court has not passed any such alleged order dated 13th December 2024 on the final report. So far as the request of the Intervenor/Complainant that the FIR be lodged, the learned JMFC, Pune has observed that alleged forged order is produced before the High Court and therefore, appropriate authority for lodging FIR would be Bombay High Court. It has been further observed that even the First Informant/Complainant can independently lodge the FIR alleging forgery of document.

vi. A learned Single Judge (Coram: Shivkumar Dige, J.) by order dated 5th March 2025 has recalled the order dated 17th January 2025 and vacated the interim anticipatory bail granted to the present Applicant and further directed the Registrar (Judicial-I) to make an enquiry in respect of forged and fabricated hand written order of learned JMFC, Pune and produced before this Court and lodge FIR against the

persons involved in it. The said order dated 5th March 2025 reads as under:

“ 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.PC’ 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.⁹

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 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

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Criminal Procedure Code (Cr.PC). 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.PC. 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.”

(Emphasis added)

The above order dated 5th March 2025 specifically records the contention raised on behalf of the present Applicant in paragraph 3 that the order of the learned JMFC produced before this Court was not forged and fabricated and the said order was tendered by the concerned Advocate on the instructions of the present Applicant.

vii. Mr. Mohite, learned Senior Counsel pointed out that the Intervenor/Complainant on 4th February 2025 had submitted written complaint with the Senior Inspector of Shivaji Nagar Police Station, Pune bringing to his notice these facts. Mr. Mohite, learned Senior Counsel submitted that after the order dated 25th February 2025 passed by the learned JMFC, Pune, the First Informant/Complainant again approached the Shivaji Nagar Police Station, Pune and officials of the Shivaji Nagar Police Station, Pune advised them to file FIR with the Vimantol Police Station, Pune, as the said forged

and fabricated order has been prepared for the purpose of using the same in the FIR No.142 of 2022 registered with the Vimantal Police Station, Pune and in the proceedings concerning the same.

viii. Accordingly, C.R. No.152 of 2025 has been registered by the Intervenor/First Informant with the Vimantal Police Station, Pune on 25th March 2025 for the offences punishable under Sections 246, 318, 337, 339 and 340 of the BNS.

ix. It is also required to be noted that as set out herein above, by order dated 5th March 2025, a learned Single Judge has directed the Registrar(Judicial-I) 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. Accordingly, FIR No.71 of 2025 has been lodged by the registry of this Court on 30th April 2025 with Azad Maidan Police Station, Mumbai. Thereafter by Order dated 5th May 2025 the said FIR No.71 of 2025 has been quashed and FIR No.78 of 2025 has been

lodged by the registry of this Court on 7th May 2025 with the Azad Nagar Police Station, Mumbai.

x. In the meanwhile, Anticipatory Bail Application No.2134 of 2022 came up for hearing before a learned Single Judge and by order dated 4th July 2025, a learned Single Judge has granted pre-arrest bail to the present Applicant concerning FIR No.142 of 2022 registered with the Vimantal Police Station, Pune under Sections 381, 408, 411, 413, 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code, 1860 and Section 63 of the Copyright Act, 1957. However, the learned Single Judge in the said order dated 4th July 2025 has specifically observed that the offence which is the subject matter of FIR No.142 of 2022 and subsequent incident of producing forged order are separate causes of actions and therefore, both these offences are distinct and different.

xi. The Applicant has filed Anticipatory Bail Application before the learned Additional Sessions Judge, Pune concerning CR No152 of 2025 i.e. subject CR and by order dated 13th May

2025 passed in Criminal Bail Application No.2266 of 2025, learned Additional Sessions Judge, Pune has rejected the said Bail Application on the ground that the allegations are of serious in nature and that the Applicant was ultimate beneficiary of the said forged and fabricated order and therefore, no sufficient ground is raised for grant of pre-arrest bail to the Applicant.

8. In view of the above factual position, it is necessary to consider the submissions of all the learned Counsel.

9. It is the submission of Mr. Talekar, learned Counsel that Vimantal Police Station, Pune has no jurisdiction as the offence has taken place in the Bombay High Court when the said forged and fabricated order has been produced before this Court and accordingly FIR No.78 of 2025 has been lodged at Azad Maidan Police Station, Mumbai on 7th May 2025. However, as far as this aspect is concerned, the observations of the Supreme Court in the case of ***Satvinder Kaur*** (supra), more particularly recorded in paragraph No.10 of the same are very clear. The said paragraph No.10 reads as under:

“10. It is true that territorial jurisdiction also is prescribed under sub-section (1) to the extent that the officer can investigate any cognizable case which a court having jurisdiction over the local area within the limits of such police station would have power to enquire into or try under the provisions of Chapter XIII. However, sub-section (2) makes the position clear by providing that no proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered to investigate. After investigation is completed, the result of such investigation is required to be submitted as provided under Sections 168, 169 and 170. Section 170 specifically provides that if, upon an investigation, it appears to the officer in charge of the police station that there is sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit for trial. Further, if the investigating officer arrives at the conclusion that the crime was not committed within the territorial jurisdiction of the police station, then FIR can be forwarded to the police station having jurisdiction over the area in which the crime is committed. But this would not mean that in a case which requires investigation, the police officer can refuse to record the FIR and/or investigate it.”

Thus, it is clear that the Supreme Court has held that the police officer cannot refuse to lodge the FIR and/or investigate it on the ground of territorial jurisdiction. What has been held that if the Investigating Officer arrives at the conclusion after investigation

that the crime was not committed within the territorial jurisdiction of the police station, then the FIR can be forwarded to the police station having jurisdiction over the area in which the crime is committed.

10. This is a case where forged and fabricated order dated 13th December 2024 purported to have been passed by the learned JMFC, Pune has been prepared for the purpose of ensuring that the criminal proceedings initiated by FIR No.142 of 2022 lodged with the Vimantal Police Station, Pune *inter alia* lodged against the Applicant comes to an end. Therefore, *prima facie*, at this stage, it cannot be said that the Vimantal Police Station, Pune has no jurisdiction to lodge and investigate the FIR No.152 of 2025 concerning the forged and fabricated order of learned JMFC. There is substance in the contention of Mr. Mohite, learned Senior Counsel that offence concerning production of said forged and fabricated order before the Bombay High Court in Anticipatory Bail Application No.2134 of 2022 and the preparation of said forged and fabricated order with the intention that criminal proceeding concerning FIR No.142 of 2022 lodged with Vimantal Police

Station, Pune comes to an end are distinct and different cause of actions and can be subject matter of two separate FIRs.

11. The further contention of Mr. Talekar, learned Counsel that in view of Section 215 of the BNSS and more particularly, as the offence is under Sections 246 and 340 of the BNS, no Court shall take cognizance of any offence, except on the complaint in writing of that Court or by such officer of the Court as that Court may authorise in writing in this behalf, or some other Court to which that Court is subordinate. However, it is required to be noted that the Supreme Court in *Iqbal Singh Marwah* (supra) has held that Section 195(1)(b)(ii) of the CrPC would be attracted only when the offence has committed with respect to a document after it has been produced or given in evidence in a proceeding in any Court i.e. during the time when the document was in *custodia legis*. In the present case, the subject order of the learned JMFC, Pune which is forged and fabricated order of the learned JMFC has been produced before the learned Single Judge. On the basis of that forged and fabricated order, a learned Single Judge has passed the order in Anticipatory Bail Application No.2134 of 2022 on 17th January 2025. Thus, it is clear that the subject order is not part of

the record of the proceedings before the learned JMFC, Pune. The order is forged and fabricated document and the same has been *prima facie* prepared to ensure that the criminal proceedings initiated by lodging FIR No.142 OF 2022 with the Vimantal Police Station, Pune comes to an end inter alia as far as the present Applicant is concerned. Thus, it is clear that the said fabricated forged and fabricated order is not only prepared for production before the High Court for the purpose of getting order in Anticipatory Bail Application but also to ensure that all the proceedings concerning FIR No.142 of 2022 comes to an end as far as the present Applicant is concerned. In any case, it is not the prosecution case that the genuine order of the learned JMFC has been tampered with. This is a case where the forged and fabricated order purported to have been passed by the learned JMFC has been prepared. The observations of the Supreme Court in ***Iqbal Singh Marwah*** (supra) are applicable to the contentions raised by Mr. Talekar, learned Counsel concerning Section 215. Thus, there is no substance in the said contention raised by the learned Counsel appearing for the Applicant.

12. Mr. Talekar, learned Counsel also submitted that with respect to the same offence, two FIRs have been lodged, one FIR has been lodged by registry of the Bombay High Court and another FIR has been lodged by the First Informant and the same is not permissible. The said contention is already dealt with in earlier part of this order. Mr. Mohite, learned Senior Counsel appearing for the First Informant/Complainant is right in contending that although there are some overlapping facts in the two FIRs, however, the FIR which has been lodged by the registry of this Court is concerning producing forged and fabricated order of the learned JMFC, Pune before a learned Single Judge of this Court for obtaining order in Anticipatory Bail Application No.2134 of 2022, however, the FIR which is lodged with Vimantal Police Station, Pune is concerning preparing the forged and fabricated order of the learned JMFC, Pune which has the effect on the FIR 142 of 2022 which is being investigated by Vimantal Police Station, Pune for the offence punishable under Sections 420, 379, 406, 408, 411, 465, 468, 471, 201, 120-B of the Indian Penal Code, 1860 and Section 63 of the Copy Right Act, 1957. He submitted that although certain factual aspects are overlapping, however, both these offences are distinct and separate.

13. Mr. Mohite, learned Senior Counsel submitted that the Court can at appropriate stage direct amalgamation of both these FIRs, if it is convenient and in the interest of justice. However, the same cannot be done without separate investigation of both these distinct and different crimes. Thus, there is no substance in the contention that for single offence two FIRs have been lodged.

14. As noted herein above, the offence is very serious. As per the prosecution case, a forged and fabricated order of learned JMFC, Pune has been prepared and the said order has been produced before this Court in Anticipatory Bail Application and on the basis of the said forged and fabricated order, a learned Single Judge has passed the order. *Prima facie*, it is clear that the said forged and fabricated order has been prepared to affect the further progress in investigation in FIR No.142 of 2022 as at this stage as far as the Applicant is concerned only report under Section 169 of CrPC has been filed and the same is not yet accepted by learned JMFC after giving opportunity to the Complainant/First Informant.

15. Thus, the offence is very serious. The Supreme Court in the case of ***Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav vs.***

*State of Maharashtra*¹⁰ has held that the Anticipatory Bail Application is an exceptional remedy and ought not be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence. It has been further held that while exercising power to grant pre-arrest bail, the Court has to be cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.

16. It is also required to be noted that as far as the FIR No.78 of 2025 lodged by the Registry of the Bombay High Court with Azad Nagar Police Station, Mumbai, the Anticipatory Bail Application 1207 of 2025 has been withdrawn and is disposed of as withdrawn.

17. Thus, in the facts and circumstances, no case is made out for grant of pre-arrest bail to the Applicant.

10 (2025) SCC OnLine SC 1489

18. Accordingly, the Anticipatory Bail Application is rejected.

19. As the Anticipatory Bail Application is disposed of, nothing survives in the Interim Application, if any.

[MADHAV J. JAMDAR, J.]