



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2919 OF 2023**

Navnath Bhausahab Chavhan	...	Applicant
versus		
The State of Maharashtra & Anr.	...	Respondents

Mr. Abhishek Kulkarni with Mr. Sagar Wakall, for Applicant.
Mr. M.G.Patil, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 19 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.839 of 2023 registered with Chinchwad Police Station for the offences punishable under Sections 323, 504, 506 read with Section 34 of the Indian Indian Penal Code, Section 25 read with Section 4 of the Arms Act, 1959 and Section 37(1) and (3) and 135 of the Maharashtra Police Act, 1951.
3. The wife of the applicant – Surekha Date, was serving as a teacher in Nav Vidyalaya School run by Rayat Shikshan Sanstha at Pimpri-Waghare. The first informant also served as a teacher in the said school. On 9 August 2023 there was an altercation between the accused No.2 and the first informant about dissuading the students from taking the technical subject. At about 11.30 a.m., the applicant came to the school and allegedly assaulted the first informant by means of fists and kicks. The

applicant allegedly whipped out a knife and charged on the person of the first informant. Other teachers came to rescue the first informant. Accused No.2 allegedly threatened the first informant out of his life.

4. The learned Counsel for the Applicant submitted that the accused No.2 had lodged a report against the first informant as well as the principal of the said School on 10 August 2023 for the offences punishable under Sections 354A, 323, 504, 509 read with Section 34 of the Indian Penal Code, 1860. A NC was also lodged against the first informant on 9 August 2023. The wife of the applicant has been victimized on account of the allegations made by her and she has been transferred to Indapur, which order has been stayed by a Division Bench of this Court.

5. The learned APP submitted that the order of the learned Sessions Judge indicates that the knife with which the applicant was armed is yet to be recovered and, therefore, the applicant does not deserve the relief of pre-arrest bail.

6. From the perusal of the allegations in the FIR and the material on record, it becomes evident that the genesis of the offences is in the dispute between the two teachers. It further appears that though the allegations of assault by means of fists and kicks are made against the applicant and his wife, the first informant does not allege that he was assaulted by means of a knife. Having regard to the nature of the accusation and the circumstances in which the altercations took place, I am inclined to exercise the discretion in favour of the applicant.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Navnath Bhausahab Chavan in connection with C.R.No.839 of 2023 registered with Pimpri Chinchwad Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to Pimpri Chinchwad Police Station on 25th, 26th and 27th October 2023 in between 10.00 a.m. to 1.00 p.m.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The Application stands disposed.

(N.J.JAMADAR, J.)