

Order Below Exh. 1 In Cri. Bail Application No. 48/2022
(CNR No.MHNS010001322022)

Smt. Aamrin Mustak Sayyad & others Vs. State.

Heard- Ld. Adv. Mr. A. I. Deshmukh for the applicants.
Ld. A. P. P. Ms. S. S. Sangle for the State.

1. This is an application under section 438 of Criminal Procedure Code in Crime No. 9/2022 registered at Mumbai Naka Police Station, Dist. Nashik for the offence under sections 354, 323, 504, 506 & r/w 34 of the Indian Penal Code, 1860. It is the case of the prosecution in brief that the accused persons (who were the seniors of the complainant), made sexually colored remarks and comments about her and thus molested her.

2. Ld. Adv. for the applicants has submitted that the complainant was appointed by the company of the applicants on probation basis for three months. It was categorically informed to her at the time of initial appointment that her employment would be confirmed only if her performance is found satisfactory. Since her performance was not found up to the mark, her services were terminated on 04/01/2022. She therefore lodged the FIR on 07/01/2022 in order to spite the applicants. Applicant No. 1 is herself a woman. Custodial interrogation of the applicants is not necessary. They have complied with the terms and conditions imposed by the Court while granting interim relief.

In the case of **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273** has been clearly held by the Apex Court that the directions contained therein shall be applicable not only to cases

under Section 498A of the IPC or Section 4 of the Dowry Prohibition Act, but also such cases where offence is punishable with imprisonment for a term which may be less than seven years or which may extend to seven years; whether with or without fine.

3. Per contra, Ld. A.P.P. has opposed the application on the ground that custodial interrogation of the applicants is necessary.

4. Applicants have complied with the terms and conditions imposed by the Court. No recovery needs to be made from them. Custodial interrogation of the applicants does not appear to be necessary. In view thereof, I am inclined to allow the application subject to the following terms and conditions.

ORDER

- 1) The application is allowed.
- 2) Interim order dated 11/01/2022 passed below Exh. 4 is hereby confirmed on the same terms and conditions.

24/01/2022
Nashik

Mridula Bhatia
District Judge-2 and
Addl. Sessions Judge, Nashik