

**Order below Exh. 1 in Cri. Bail Application No.40/2022
(CNR No. 010001172022)**

Chetan Walmik Motkari and 3 others V/s. State.

Heard :- Ld. Adv. Mr. S. R. Borade for the applicants.
Ld. A.P.P. Ms. S. S. Sangle for the State.

1. This is an application under section 438 of the Code of Criminal Procedure in Crime No.4/2022 registered at Police Station, Mumbai Naka, Nashik for the offence under sections 498-A, 406, 323, 504 & 506 r/w Sec.34 of the Indian Penal Code. It is the case of prosecution in brief that the applicants/accused (husband and in-laws of the complainant) inflicted physical and mental cruelty on her.

2. Ld. Adv. for the applicants has submitted that a false complaint has been filed against the applicants and that there is no necessity for custodial interrogation. The allegations in the FIR are vague, bald and general in nature. No previous police complaint was filed against the applicants. They have complied with the terms and conditions imposed by the Court while granting interim relief. Applicants have annexed photographs of the complainant to show that the complainant was happy and had a good married life with her husband.

3. Per contra, Ld. A.P.P. has opposed the application on the ground that custodial interrogation of the applicants is necessary. The applicants have yet to return the Stridhan of the victim.

4. Offence is primarily under section 498-A of the I.P.C. Applicants have complied with the terms and conditions imposed by the Court while granting interim relief. Therefore, in view of the guidelines laid down by the Apex Court in the case of **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273**, I am inclined to allow the application subject to the following terms and conditions.

ORDER

- 1) The application is allowed.
- 2) Interim order dated 10/01/2022 passed below Exh. 4 is hereby confirmed on the same terms and conditions along with the condition that the applicants shall return the Stridhan (if any) of the victim.

Nashik
15/01/2022

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