

Order Below Exh. 1 in Cri. Bail Appln.No. 32/2022

CNR No.MHNS010001052022

Farkirrao Nivrutti Wabale & 4 others Vs. State

Heard: Ld. Adv. Ms. M. R. Kuwar 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.2/2022 registered at Police Station, Gangapur, Nashik for the offence under sections 498-A, 406, 377, 504, & 506 r/w Sec.34 of the Indian Penal Code. It is the case of prosecution in brief that the accused (husband and in-laws of the complainant) exercised physical and mental cruelty on her and accused No. 1 (her husband) committed anal sexual intercourse with her. The applicants herein are the in-laws of the complainant.

2. Ld. Adv. for the applicants has submitted that accused No. 1 has been released on bail by Ld. J.M.F.C. Therefore, bail application of the applicants deserves to be allowed on the ground of parity. Moreover, there is no specific allegation against the applicants (even under Section 406 of the IPC) in the complaint. Divorce petition of the complainant and her husband is also pending. There is no necessity for custodial interrogation. Applicants are ready to abide by the terms and conditions imposed by the Court.

3. Per contra, Ld. A.P.P. has opposed the application on the ground that the offence is serious in nature. Custodial interrogation of the applicants is necessary.

4. Applicants are ready to comply with the terms and conditions imposed by the Court. No recovery needs to be made from the applicants. The allegation with regard to Section 377 of the I.P.C. is not against the applicants. Custodial interrogation of the applicants is not necessary. 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) Application is allowed.
- 2) In the event of arrest of applicant nos. 1 to 5 (Farkirrao Nivrutti Wabale, Janki Farkirrao Wabale, Vikram Farkirrao Wabale, Ashwini Vikram Wabale, Laxman Ramchandra Borse), they be released on executing P. R. bond of ₹15,000/- each with one local surety of like amount.
- 3) Applicants shall co-operate in the investigation and shall attend the concerned police station as and when called by the I.O.
- 4) Applicants shall not directly or indirectly, make any inducement, threat or promises to any person acquainted with the facts of accusation, so as to dissuade him/her from disclosing such

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facts to the Court or to the police officer and shall not tamper with the prosecution evidence in any manner.

- 5) Applicants shall not commit any offence and shall attend all dates of hearing after filing of charge-sheet.
- 6) Applicants are duty bound to inform the I.O. and the court about their change of address, if any.
- 7) Applicants shall furnish residence and ID proof of two blood relatives to the I.O.

Nashik
25/01/2022

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