

**Order Below Exh. 1 in Cri. B. Appln. No. 72/2022**

**(CNR No. MHNS 01000210 2022)**

Kailas Chintaman More Vs. State.

**Heard:** Ld. Adv. Mr. V. P. Pagar for the applicant.

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 Deola Police Station, Dist. Nashik for the offence under Sections 307, 323 & 506 of the Indian Penal Code. It is the case of prosecution in brief that the accused/applicant(brother-in-law of the victim) assaulted the victim and dragged her by her hand and pushed her in the well.

2. Ld. Adv. for the applicant has submitted that a false complaint has been filed against the applicant and that there is no necessity for custodial interrogation. He has also tendered the diary of his attendance in the Police station as directed by the Court. Admittedly, there is an on-going property dispute between the parties and the applicant has also lodged an N.C. against the victim. The FIR is false and exaggerated in as much as it was the supposed victim who had jumped into the well in order to arm-twist the applicant to hand her a meaty portion of the family property. In fact, it was the applicant and his wife who took the victim to the hospital. The applicant has complied with the terms and conditions imposed by the Court while granting interim relief.

3. Per contra, Ld. APP has opposed the bail application on the ground that the offence is serious in nature. Custodial interrogation of the applicant is necessary.

4. There are admittedly civil disputes between the parties. Applicant has complied with the terms and conditions imposed by the Court while granting interim relief. No recovery has to be made from the applicant. Custodial interrogation of the applicant does not appear to be necessary. In view thereof, I am inclined to allow the application in terms of the following order :-

**ORDER**

- 1] Application is allowed.
- 2] Order below Exh. 4 is hereby confirmed.

Nashik  
02/03/2022

M. V. Bhatia  
District Judge-2 and Addl.  
Sessions Judge, Nashik.