

Order Below Exh. 1 in Cri. B. Appln.No. 50/2022

(CNR No.MHNS010001402022)

Shri Kunal Sarangdhar Adakmol & 4 others Vs. State

Heard: Ld. Adv. Mr. P. N. Tajanpure 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.280/2021 registered at Police Station, Upnagar, Nashik-road for the offence under sections 406, 498-A, 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. They have complied with the terms and conditions imposed by the Court. The complainant left the matrimonial house in December, 2020. However, the complaint has been filed after one year. Moreover, in the intervening period, the complainant's husband had sent her a notice for restitution of conjugal rights which also has not been complied with by the complainant. She had taken her entire '*Stridhan*' with her when she left the matrimonial home.

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 6 *tolas* of *Stridhan* of the complainant.

4. Applicants have complied with the terms and conditions imposed by the Court and co-operated with the investigating agency. Offence is primarily under section 498-A of the I.P.C. 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) Interim order dated 12/01/2022 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
20/01/2022

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