

Order Below Exh. 1 in Cri. B. Appln.No. 81/2022

(CNR No.MHNS010002292022)

Mahendra Madhukar Kulkarni & 3 others Vs. State

Heard: Ld.Adv. Ms. Manali Deore 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.06/2022 registered at Police Station, Indira Nagar, Nashik for the offence under sections 498-A, 406 and 504 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. They have complied with the terms and conditions imposed by the Court while granting interim relief.

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 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 19/01/2022 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
24/01/2022

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