

Order Below Exh. 1 in Cri. B. Appln. No. 178/2022

(CNR NO. (MHNS010004802022))

Amol Bhimrao Gade & 4 others Vs. State

Heard: Ld.Adv. Ms. Milan Khohar 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.470/2021 registered at Police Station, Ambad, Nashik for the offence under sections 498-A, 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 there is no necessity for custodial interrogation. Applicants are ready to abide by the terms and conditions imposed by the Court. There is a long-standing matrimonial dispute between the parties. The complainant has filed proceedings under the D. V. Act which are also pending. The complaint is filed belatedly purely with a view to arm-twist the applicants for a better alimony.

3. Per contra, Ld. A.P.P. has opposed the application on the ground that custodial interrogation of the applicants is necessary to recover the loan papers.

4. Applicants are ready to comply with the terms and conditions imposed by the Court and even show the loan papers to the I. O. 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 (Amol Bhimrao Gade, Rajkanya Bhimrao Gade, Bhimrao Rajeraoji Gade, Yogesh Bhimrao Gade and Nisha Yogesh Gade), 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. and shall show the loan papers to the I. O. if required.
- 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 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
17/02/2022

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