

Order Below Exh. 1 in Cri. B. Appln.No. 216/2022

Janabai @ Hemlata Arun Shelke & 2 others Vs. State

Heard: Ld.Adv. Mr. G. P. Sanap 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.37/2022 registered at Dindori Police Station, Dist. Nashik for the offence under sections 498-A, 377, 406, 313, 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 victim) inflicted physical and mental cruelty on her. The applicants herein are the in-laws of the victim.

2. Ld. Adv. for the applicants has submitted that the husband of the victim is already behind bars. The applicants are not the prime accused. There is no necessity of their custodial interrogation. The I. O. has not called them even once to the police station which clearly indicates that no custodial interrogation is necessary. There is no allegation of Section 377 of the I.P.C. against the applicants. 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.

4. Applicants are not the prime accused. They have complied with the terms and conditions imposed by the Court while granting interim relief. There is no allegation under Section 377 of the I.P.C. against the applicants. 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 15/02/2022 passed below Exh. 4 is hereby confirmed on the same terms and conditions.

Nashik
04/03/2022

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