

**Order Below Exh. 1 in Cri. B. Appln. No. 144/2022**

**(CNR NO. (MHNS010003512022))**

**Mahesh Gulab Sutar (Sonawane) & 2 others Vs. State**

**Heard:** Ld.Adv. Ms. U. V. Mundada 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.1105/2020 registered at Police Station, Sinnar, Dist. Nashik for the offence under sections 498-A, 313, 406, 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 and have also not returned her *Stridhan*.

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.

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 *Stridhan*.

4. Applicants are ready to comply with the terms and conditions imposed by the Court. 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 3 (Mahesh Gulab Sutar (Sonawane), Jyoti Mahesh Sutar (Sonawane) & Ashabai Gulab Sutar (Sonawane)), 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 return the *Stridhan* (if not yet returned).
- 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  
21/02/2022

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