

Order Below Exh. 1 in Cri. B. Appln. No. 344/2022
(CNR No. MHNS 010011482022)

Jayesh Bapurao Wagh & another V/s. State

Heard: Ld.Adv. Mr. S. V. Bhate for the applicants.
Ld.A.P.P. Ms.S.S.Sangale for the State.
Perused the say of the victim.

This is an application under Section 438 of Criminal Procedure Code in Crime No. 42/2022 registered at Police Station, Gangapur, Nashik for the offence under Section 376(2) (N), 377, 328, 313 & 506 r/w Sec. 34 of I. P. C. It is the case of prosecution in brief that the accused No. 1 committed sexual intercourse with the victim on the false promise of marriage, while the other accused persons (including the applicants) forced her to get an abortion done. Applicant No. 1 is the friend of accused No. 1 and applicant No. 2 is the wife of applicant No.1.

2. Ld. Adv. for the applicants has submitted that the accused No. 1 and the victim are married and are residing with their respective spouses and children. Accused No. 1 is the prime accused and is behind bars. Allegation of rape is only against him. The only allegation against the applicants is of forcing the so-called victim for abortion. No recovery needs to be made from them. There is no necessity of their custodial interrogation. They have co-operated with the investigation and 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 have complied with the terms and conditions imposed by the Court while granting interim relief. No recovery needs to be made from them. They have complied with the terms and conditions imposed by the Court. Considering the allegations, custodial interrogation of the applicants do not appear to be necessary. In view of the foregoing discussion, I am inclined to allow the application in terms of the following order:

ORDER

- 1) The application Exh. 1 is allowed.
- 2) Interim order dated 15/03/2022 is hereby confirmed on the same terms and conditions.

Nashik
31/03/2022

(M. V. Bhatia)
District Judge-2 and Additional
Sessions Judge, Nashik.