

Order Below Exh. 1 in Cri. B. Appln. No. 277/2022
(CNR No. MHNS010008502022)

Mangesh Rameshchandra Chaudhari & 2 others **Vs.** State

Heard: Ld.Adv. Mr. Mansoor Tamboli 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.55/2022 registered at Police Station, Upanagar, Nashik for the offence under sections 498-A, 323 & 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 of their custodial interrogation. They have complied with the terms and conditions imposed by the Court while granting interim relief. He has filed an affidavit stating the same. All the applicants are present before the Court.

3. Per contra, Ld. A.P.P. has opposed the application on the ground that custodial interrogation of the applicants is necessary and *Stridhan* of the victim needs to be returned.

4. Applicants have complied with the terms and conditions imposed by the Court while granting interim relief and have 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 02/03/2022 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
11/03/2022

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