

**Order Below Exh. 1 in Cri. B. Appln.No. 329/2022**

(CNR No. MHNS010010672022)

**Manish Baldev Sawalani & 2 others Vs. State**

**Heard:** Ld. Adv. Ms. V. V. Shirsat 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.20/2022 registered at Police Station, Mumbai Naka, 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. No recovery needs to be made from them. 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 have complied with the terms and conditions imposed by the Court while granting interim relief.

No recovery needs to be made from them. Custodial interrogation of the applicants does not appear to be necessary. 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 10/03/2022 passed below Exh. 4 is hereby confirmed on the same terms and conditions.

Nashik  
15/03/2022

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