

Order Below Exh. 1 in Cri. B. Appln. No. 343/2022
(CNR No. MHNS 010011472022)

Neha Lalit Nikam V/s. State

Heard: Ld.Adv. Mr. S. P. Deshmukh for the
applicant.
Learned A.P.P. Ms.S.S.Sangle 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 forced her to get an abortion done. The applicant is the wife of accused No. 1.

2. Ld. Adv. for the applicant 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 applicant herein is a lady. The only allegation against her is of forcing the so-called victim for abortion. No recovery needs to be made from her. There is no necessity of her custodial interrogation. She has 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 applicant is necessary.

4. Applicant has complied with the terms and conditions imposed by the Court while granting interim relief. No recovery needs to be made from her. She has complied with the terms and conditions imposed by the Court. Considering the allegations, custodial interrogation of the applicant does 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.