

**Order Below Exh. 1 In Cri. Bail Application No. 337/2022**  
**( CNR No. MHNS 010011152022 )**

Nitin Sakharam Patil & 5 others Vs. State.

**Heard-** Ld. Adv. Mr. D. S. Ekhande for the applicants.  
Ld. A.P.P. Ms. S. S. Sangle for the State.

1. This is an application under section 438 of Criminal Procedure Code in Crime No.25/2022 registered at Police Station, Indira Nagar, Nashik for the offence under sections 354-A, 354-D, 420, 120-B, 506(2) r/w Sec. 34 of the Indian Penal Code, 1860. It is the case of prosecution in brief that the complainant was engaged to be married with accused No. 1. However, he molested her and thereafter he and his family members (other co-accused) cancelled the wedding.

2. Ld. Adv. for the applicants has submitted that the FIR is false and has been lodged with a view to spite the applicants because of cancellation of wedding. Custodial interrogation of the applicants is not necessary. Nothing needs to be recovered from the applicants. They have complied with the terms and conditions imposed by the Court while granting interim relief. Moreover, the offence was registered in an application under Sec. 156(3) of the Cr.P.C. The order of the Ld. J.M.F.C. allowing the said application has been annexed to the bail application. As per the said order, process was issued only against applicant No. 1 and not the other co-accused. The

marriage between the applicant No. 1 and the complainant was not fixed, but there was only a marriage proposal. There is a delay of 5 months in making complaint to the police. It is pertinent to note that even after making a complaint to the police, the complainant had withdrawn all the allegations against the accused. However, she later made an application to the Ld. J.M.F.C. under Section 156(3) of the Cr.P.C.

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. No recovery needs to be made from them. Custodial interrogation of the applicants does not appear to be necessary. In view thereof and in view of the peculiar facts of the case, I am inclined to allow the application subject to the following terms and conditions.

**ORDER**

- 1) The application is allowed.
- 2) Interim order dated 14/03/2022 passed below Exh.4 is hereby confirmed on the same terms and conditions.

23/03/2022  
Nashik

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