

Order Below Exh. 1 In Cri. Bail Application No. 274/2022

(CNR No. MHNS010008382022)

Sharad Kisan Barke Vs. State.

Heard- Ld. Adv. Mr. R. J. Kasliwal for the applicant.
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. 64/2022 registered at Sinnar Police Station, Nashik for the offence under sections 354, 354A, 452, 506 & r/w 34 of the Indian Penal Code, 1860. It is the case of prosecution in brief that the accused/applicant molested the victim by hugging her after entering her house through the back door.

2. Ld. Adv. for the applicant has submitted that there was a consensual love-affair between the applicant and the supposed victim. They are both married with children. The FIR came to be lodged by the victim under the pressure of her husband who found out about the love-affair. Custodial interrogation of the applicant is not necessary. No recovery needs to be made from him. Applicant has 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 him. Custodial interrogation of the applicant does not appear to be necessary in the facts of the case. In view of the foregoing discussion, I am inclined to allow the application in terms of the following order.

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.

08/03/2022
Nashik

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