

**Order Below Exh. 1 in Cri. B. Appln. No. 227/2022**  
**(CNR No. MHNS 010006472022)**

Sunil Bhimrao Bhise & 2 others Vs. State

**Heard:** Ld. Adv. Ms. Madhuri Rajan for the applicants.  
Ld. A. P. P. S. S. Sangle for the State.

1. This is an application under section 438 of the Code of Criminal Procedure in Crime No.183/2021 registered at Gangapur Police Station, Nashik for the offence under Sections 498-A, 406, 323 & 504 r./w. Sec. 34 of the Indian Penal Code. It is the case of prosecution in brief that the accused/applicants (husband and in-laws of the victim) inflicted physical and mental cruelty on her.

2. Ld. Adv. for the applicants has submitted that there is no necessity of custodial interrogation. They have complied with the terms and conditions imposed by the Court while granting interim relief. In fact, it is the supposed victim who has been the aggressor. She used to assault her husband from time to time and also abuse her in-laws. She has filed photographs of her husband's injuries on record.

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 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 17/02/2022 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  
04/03/2022

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