

Order Below Exh. 1 in Cri. B. Appln.No. 339/2022

(CNR No. MHNS010011182022)

Mukesh Baburao Wahule & 3 others Vs. State

Heard: Ld.Adv. Mr. P. R. Dhavale 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.51/2022 registered at Police Station, Mumbai Naka, Nashik for the offence under sections 498-A, 406, 323 & 504 r/w Sec. 34 of the Indian Penal Code, 1860. It is the case of prosecution in brief that the accused persons (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 accused. There is gross delay in lodging FIR. The victim had taken her entire *Stridhan* while leaving the matrimonial home. There is no necessity of their custodial interrogation. 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. *Stridhan* of the victim needs to be recovered.

4. Applicants have complied with the terms and conditions imposed by the Court while granting interim relief. 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 14/03/2022 passed below Exh. 4 is hereby confirmed on the same terms and conditions along with the condition that applicants shall return the *Stridhan* (if any) of the victim.

(Dictated and pronounced in open Court)

Nashik
21/03/2022

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