

Order Below Exh. 1 in Cri. B. Appln.No. 330/2022
(CNR No. MHNS 010010682022)

Rajesh Madhukar Borade Vs. State

Heard: Ld.Adv. Mr. M. V. Patil for the applicant.
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.70/2022 registered at Police Station, Nashik-road, Nashik for the offence under sections 498-A, 406, 323, 504 & 506 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. Applicant herein is the husband of the victim.

2. Ld. Adv. for the applicant has submitted that a false complaint has been filed against the accused. There is a delay of 11 months in lodging FIR. He has complied with the terms and conditions imposed by the Court while granting interim relief. The allegations under section 406 of the I.P.C. are not against the applicant, but against the co-accused. No recovery needs to be made from the applicant.

3. Per contra, Ld. A.P.P. has opposed the bail application on the ground that there is *prima-facie* case against the applicant. His custodial interrogation is necessary.

4. Applicant has complied with the terms and conditions imposed by the Court while granting interim relief and has 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 11/03/2022 passed below Exh. 4 is hereby confirmed on the same terms and conditions along with the condition that the applicant shall return the *Stridhan* (if any) of the victim.

(Dictated and pronounced in open Court)

Nashik
16/03/2022

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