

Manoj M. Gupta and Others ...Applicants
vs.
State of Maharashtra ...Respondent

. For the detailed reasons recorded in the order dated 08-01-2015 an ad-interim direction in terms of Section 438 of Code of Criminal Procedure has been passed in favour of the applicants. The prosecution in response to the notice of the applicants has filed its say. The perusal of the say reveals that the prayer for pre arrest bail is objected on the ground of *Streedhan* of the first informant is yet to be recovered.

2. The perusal of the F.I.R. reveal that apart from it being vague regarding the date, time and place at which the *Streedhan* was deposited with the applicant reveals that as the victim was negligent in handling the ornaments, the same were deposited with the mother in law i.e. applicant No.2. Hardly there is any material in the papers of investigation regarding the said ornaments being passed over from applicant No.2 to the other applicants. The F.I.R. is wholly silent regarding the necessary ingredients constituting the offence under Section 406 of Indian Penal Code in as much as the victim having demanded for the said ornaments and the applicants No.2 having refused to handover it and/or the same being misappropriated by the applicant. Having regard to it, it is difficult to perceive of there being any need of custodial interrogation of the applicants for completion of investigation.

3. Resultantly, the reasons for which ad-interim direction was passed having remained unrepelled the said direction is hereby confirmed on earlier terms and conditions.

Application stands disposed of.

(P.D. KODE, J.)