



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.474 OF 2024

Subham s/o Sudhakar Umredkar and others

Vs.

State of Maharashtra, Through Police Station Officer, Hudkeshwar, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. M. Daga, Advocate for applicants.

Mr. A. G. Mate, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/08/2024

1. Apprehending the arrest at the hands of police, in connection with Crime No.397/2024 registered at Police Station Hudkeshwar, District Nagpur for the offences punishable under Sections 328, 498-A read with Section 34 of the Indian Penal Code, 1860, the applicants approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by the wife of applicant No.1 namely Priya alleging that her marriage was performed on 13/03/2023 with the applicant No.1 and after marriage, she resumed the cohabitation, but she was not treated well by applicant No.1 as well as his parents. It is further alleged that on 24/05/2024, the applicants have administered her phenyl forcefully, and thereafter, she was taken to the hospital by her husband. On the basis of said report, the police have registered the crime against the present applicants.

3. Heard learned Counsel for the applicants, Mr. R. M. Daga who submitted that, out of the matrimonial dispute, this FIR is lodged. He also filed on record one Compromise Pursis filed before the Family Court, which shows that on 18/04/2024 both the complainant and applicant No.1 have decided to live together, by leaving behind all the complaints. The said compromise was recorded before the Court and thereafter, this FIR is lodged. As far as the allegations are concerned, which are to the extent that the applicants have ill-treated her on demand of amount and as the amount was not brought from her parent's house, she was ill-treated. As far as the allegations are concerned, there is no reference how much amount was demanded by the present applicants and when it was demanded. He submitted that as far as the custodial interrogation is concerned, which is not required as nothing is to be required from the present applicants. He also referred the decision of the **Arnesh Kumar Vs. State of Bihar and another** reported in **(2014) 8 SCC 273** and submitted that in view of the said decision also the applicant deserves the protection.

4. Learned APP strongly opposed the said application and submitted that the present applicant No.1 who is the husband of the informant and the other applicants are the in-laws of the informant who has ill-treated her for the illegal demand, in view of that their custodial interrogation is required.

5. After hearing both the sides and after perusal of the investigation papers it reveals that initially there was a compromise and the compromise Pursis was filed before the Family Court, wherein it reveals that in spite of this compromise they could not live together and therefore, this FIR appears to be filed. As far as the immediate custodial interrogation is concerned, it is not required. The guidelines are issued in the judgment of **Arnesh Kumar (supra)** referred by the learned Counsel for the applicant, considering the same, the custodial interrogation of the present applicants is not required, no grounds are made out for their custodial interrogation. In view of that, the interim protection granted to the present applicants deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

(i) The interim protection granted to the present applicants vide order dated 03.07.2024 is hereby confirmed with the similar condition that the applicant No.1 shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m., till filing of the charge-sheet.

(ii) The other conditions imposed shall remain as it is.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)