

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 606 OF 2017**

Kunal Krishna Patil

....Applicant.

Vs.

The State of Maharashtra & Anr.

....Respondent.

Mr. Mahendra Shingade for the Applicant.

Mr. Ameet Palkar APP, for the Respondent-State.

Mr. Utsav Salunke for the Respondent No.2.

Mr. Jaywant Sankpal, PI, Chembur Police Station.

CORAM : A. S. GADKARI, J.**DATE : 13th JULY, 2018.****P.C.:-**

Applicant was granted interim relief by an Order dated 7th April, 2017.

2 Heard the learned counsel for the Applicant, the learned counsel for the Respondent No.2 and the learned APP. Perused the record of investigation.

3 The first information report is lodged by the prosecutrix, who is admittedly the wife of the Applicant. The marriage of the Applicant with prosecutrix was solemnized on 16th June, 2016. The allegations as contemplated under Section 376 of the Indian Penal Code are prior to the marriage and as the Applicant has performed

marriage with the prosecutrix, as of today the said allegations ceased to have force in it and *prima facie*, in view of this Court, the application of Section 376 of the Indian Penal Code to the present crime loses its gravity.

4 As far as the other allegations are concerned, it is alleged that the Applicant forced the prosecutrix to undergo medical termination of pregnancy on two occasions and has also taken some objectionable photographs of the prosecutrix. It is also alleged that, the in-laws of the prosecutrix did not allow her to enter in the matrimonial house.

5 As far as the mobile phone of the Applicant, from which the alleged objectionable photographs of the prosecutrix are taken, the Applicant can be directed to attend the Investigating Officer and surrender his mobile phone in the process of investigation. As far as the rest of the allegations are concerned, in view of this Court, the custodial interrogation of the Applicant for its investigation is not necessary.

6 In view of thereof, the interim relief granted by an Order dated 7th April, 2017 is hereby confirmed. However, the Applicant is directed to attend the Investigating Officer as and when called for

upon receipt of a notice under Section 160 of the Code of Criminal Procedure, between 11.00 a.m. and 1.00 p.m. till submission of final report.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)