

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No. 1310 of 2024

Prasad Vasant Kutarekar
Age 35 years, Occ. Service,
R/at. Zenith 806, Kalpataru
Exquisite, Wakad, Pune 411 057.

...Applicant

Vs.

1. The State of Maharashtra
Through Malad Police Station

2. XYZ
A/204, Chincholi Bandar Road,
Shiv Parvati Apartment,
Malad West, Mumbai – 400 064.

...Respondents

Mr Kuldeep Nikam a/w Atharva R. B. i/b Yash Naik, for the Applicant.
Mr Arfan Sait, APP for the Respondent – State.
Mr Kamran Shaikh, for the Respondent No.2.
PI Mahendra Ghag, Malad Police Station is present.

**Coram: R. N. Laddha, J.
Date: 8 August 2024**

P.C.

Heard Mr Kuldeep Nikam, the learned counsel appearing on behalf of the applicant; Mr Arfan Sait, learned Additional Public Prosecutor representing the respondent/State and Mr Kamran Shaikh, the learned Counsel for the second respondent.

2. By this application, the applicant seek anticipatory bail in connection with CR No.317 of 2024, registered at Malad Police

Station, Mumbai, for the offences punishable under Sections 376, 377, 511, 498-A, 506 read with 34 of the Indian Penal Code.

3. The informant, who is the applicant's wife, experienced strained relations with the applicant after a few months of marriage due to incompatibility issues. Allegedly, the applicant subjected her to physical and mental harassment, demanding money from her parents for purchasing land. Further, it is claimed that the applicant forced her into engaging in unnatural sexual acts.

4. At the outset, the learned Counsel for the applicant pointed out that the applicant is the husband of the informant, and that the co-accused, who are his relatives, have already been granted bail. The couple got married in 2023, and the alleged incident occurred in 2023. The applicant has been under interim protection since May 2024, and nothing is to be recovered from the applicant. The investigation is almost complete. The applicant has filed a petition for restitution of conjugal rights, which is pending before the competent Court.

5. The learned APP and the learned Counsel for respondent No.2, in unison, submit that the offence is serious, and the applicant on multiple occasions assaulted the informant. The applicant coerced the informant into engaging in unnatural sexual acts, and upon her refusal, threatened her with divorce. The applicant is in a habit of consuming liquor.

6. The applicant is already in relation with another woman. The applicant, along with the co-accused, pressured respondent No.2 to transfer her bank account from Mumbai to Pune, ostensibly for dowry funds to purchase land in Nagpur. When respondent No.2 declined, the applicant physically assaulted her.

7. Upon perusing the records, it appears that the co-accused have been granted anticipatory bail. The applicant's petition for restitution of conjugal rights is pending before the competent Court of jurisdiction. The applicant is under interim protection since May 2024 and cooperated with the investigation. The investigation is on the verge of completion. The allegations, have their genesis in marital discord. To address the prosecution's concern about evidence tampering, appropriate conditions can be imposed.

8. In view of the above, this Court is inclined to allow the present application is allowed in following terms:

(i) In the event of the applicant's arrest in CR No.317 of 2024, registered at Malad Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

(iii) The applicant shall attend the concerned police station as and when required.

9. The application stands disposed of accordingly.

[R. N. Laddha, J.]