

After FIR by wife, 'gay' husband gets anticipatory bail

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A WOMAN accused her husband and another man of indulging in "unnatural sex", after which the husband moved court and was granted anticipatory bail. The woman had filed a complaint with the Gamdevi police; a sessions court on Thursday granted the anticipatory bail.

Sessions judge DU Mulla granted the bail to Joseph Mascarenhas (name changed) who works with Merchant Navy. Mascarenhas said he used to contact the complainant's husband through the Internet.

The husband has applied for anticipatory bail. He has admitted in his plea that he is gay and has had more than a partner since 1994. Husband's lawyer Vivek Kantawala said, "We have moved the court and it will hear the plea on Saturday. Since it's a sensitive matter dealing with a couple's marriage, I will not divulge any information."

Mascarenhas said in his plea that the duo used to meet whenever he came to the city. The complainant and her husband, who stay in a plush flat on Pedder Road in South Mumbai, were married in 1994 and

have a seven-year-old child. The complainant's husband said in his plea that his wife had initially taken him to counsellors hoping that his bisexual nature was temporary. In January, she registered a non-cognizable offence against him. The police called him to the police station and let him go after discussion.

The wife made complaints to the police about being manhandled by her husband. The latter, anticipating arrest, had moved the court and got interim relief. On repeated complaints from the wife, the police filed a first information report against the alleged gay couple on February 16, under Sections 377 (unnatural sex), 504 (intentional insult with intent to provoke breach of peace) and 324 (voluntarily causing hurt by dangerous weapons or means) of the IPC. The complainant had provided two CDs of the accused indulging in unnatural sex, which the police claim as evidence.

While hearing the plea of Mascarenhas, the prosecution said he might flee. But the court said there was no requirement of custodial interrogation as there was no seizure to be made and there was no evidence that he had harassed his wife.