

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

919 ANTICIPATORY BAIL APPLICATION NO.277 OF 2021

KAILAS SHRIMANT KHILLARE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Shri Sudarshan J.Salunke
APP for Respondent State : Shri S.W.Munde

...
CORAM : M.G.SEWLIKAR, J.

DATE: 22nd April, 2021

PER COURT:-

1. Heard.

2. The allegations in the FIR are that the deceased Suvarna was married to the applicant on 27-03-2008. The couple is blessed with a daughter aged 10 years and a son aged 8 years. The applicant is working in the Central Reserve Police Force (CRPF). It is alleged in the FIR that the deceased Suvarna was subjected to ill treatment by the Applicant and his relatives on account of non-fulfillment of demand of Rs.5,00,000/- for purchasing a four wheeler. On 24-12-2020, at 03:00 a.m., the informant, who is the brother of the deceased Suvarna got a call on his mobile handset from his brother-in-law - Kailas Khillare informing him that Suvarna was no more. When the informant

went to the place of in-laws of the deceased, she was found sitting leaning against the wall and blood was flowing from injury on her head. She was shifted to the hospital and in the hospital she was declared dead. The informant has alleged that the deceased died because of some injury caused by her in-laws by some hard substance. On the basis of these allegations, crime No.17 of 2021 for the offence punishable under Sections 302, 498-A read with Section 34 of the Indian Penal Code came to be registered in Ashti Police Station, District Beed.

3. Shri S.J.Salunke, learned counsel for the applicant submitted that the applicant is the husband of the deceased. On the date of the incident, he was posted at Shrinagar. On the date of the incident, he had reached Pune and was on his way to his village. He received a call from his father informing him about the incident. On his instructions, the deceased was admitted to the hospital. He submitted that the applicant has no role to play in the alleged incident.

4. Shri S.W.Munde, learned APP for the respondent State, on instructions, submits that the applicant was infact travelling on the date of incident. The CDR record shows the location of the applicant as Pune at the time of the incident.

5. Having regard to the submissions made by Shri Salunke, learned counsel for the applicant and Shri Munde, learned APP for the respondent State, it appears that the applicant was not present at the place of incident and at the time of the incident. As submitted by Shri Munde, learned APP for the respondent State, CDR shows the location of the applicant as Pune at the time of the incident. I am, therefore, inclined to allow the application. In view of this, the application is allowed.

6. In the event of his arrest, the applicant be released on PR Bond of Rs.15,000/- with one solvent surety in the like amount in connection with CR No.17 of 2021 for the offence punishable under Sections 302, 498-A read with Section 34 of the Indian Penal Code, registered with Ashti Police Station, District Beed, and on condition that he shall attend concerned Police Station as and when required by the Investigating Officer to do so.

(M.G.SEWLIKAR)
JUDGE

SPT