

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

ANTICIPATORY BAIL APPLICATION NO.1437 OF 2022

**POOJA OMKAR KULKARNI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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**WITH
ANTICIPATORY BAIL APPLICATION NO.1363 OF 2022**

**ASHISH DURGAPRASAD DUBEY
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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**Mr. Ravindra B. Narvade Patil, Advocate for Applicants
Mr. A. A. Jagatkar, APP for Respondents – State
Mr. R. M. Lone, Advocate for Informant**

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 25th JANUARY, 2023

PER COURT :

1. Applicants apprehend arrest in Crime No.211/2022, registered with Vimantal Police Station, District Nanded, for offences punishable under Sections 306, 506 r/w 34 of the Indian Penal Code.

2. Smt. Meena Pradeep Rao Kulkarni lodged FIR alleging that her son Omkar committed suicide due to harassment of four accused persons. Omkar by raising hand loan had given amount of Rs.4,00,000/- to accused Mahendra Kulkarni for pipeline business. Though the work was completed two years back, he was not

returning the money. Persons from whom Omkar had raised hand loan were after him for repayment. Omkar had matrimonial dispute with wife Pooja. Omkar settled the said matrimonial dispute and towards maintenance amount of Rs.1,50,000/- was to be given to Pooja. Omkar had paid Rs.50,000/-, however, Pooja and her lawyer Ashish Dubey were insisting for amount of Rs.1,00,000/-. Due to all this, Omkar was under tremendous mental pressure. He committed suicide during the night of 17/06/2022, leaving behind suicide note. FIR is lodged on 21/06/2022.

3. Heard learned advocate for applicants, learned Additional Public Prosecutor for respondents – State and learned advocate for informant. Perused the investigation papers and written arguments filed by learned advocate for informant.

4. Contents of suicide note are reiterated in the FIR. *Prima facie* ingredients of abetment are not made out against the applicants. Nothing is to be recovered from applicants. Investigation appears to be on the verge of completion. Pre-trial custodial detention of applicants is not necessary in the facts of the present case.

5. Applicants were granted interim protection and they have attended police station and cooperated in the investigation.

6. Learned Additional Public Prosecutor states that voice sample of accused Pooja is already taken. However, she has not cooperated in the investigation and she has not disclosed as to where she has undergone abortion. Learned advocate for applicants, on instructions, submits that Pooja is ready to disclose name of the hospital to the Investigating Officer where she had undergone abortion.

7. In the result, applications are allowed by confirming interim order dated 20/10/2022 in Anticipatory Bail Application No.1437/2022 and interim order dated 13/10/2022 in Anticipatory Bail Application No.1363/2022.

8. Applicants shall attend concerned police station everyday from 30/01/2023 to 03/02/2023, between 10:00 a.m. to 12:00 noon. Thereafter, till filing of charge-sheet, applicants shall attend concerned police station as and when called by Investigating Officer and cooperate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)