

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

918 BAIL APPLICATION NO.1278 OF 2023
WITH APPLN/3109/2023 IN BA/1278/2023

GANESH MITHU AGLAVE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Shingare K. F.
APP for Respondents: Mr. K.S. Patil.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 29th AUGUST, 2023

ORDER :-

Heard.

2. Investigation was set in motion on the information given by one Deeak Sahebrao Thombre. In nutshell, it is alleged that accused Nos. 1 and 2 conspired with each other and with the help of other accused persons committed murder of deceased advocate Kiran Lokhande. It is alleged that the accused Nos. 1 and 2 planned the murder of deceased. They stayed at a hotel on 29.5.2022. They hatched the conspiracy and committed murder of deceased Kiran Lokhande on 30.5.2022.

3. Pursuant to aforesaid information, investigation is carried. The applicant alongwith other accused were arrested. The prayer of applicant for grant of bail has been rejected by the Sessions Court vide order dated 26.06.2023.

4. Mr. Shingare, learned advocate for applicant would submit that there is absolutely no evidence against the applicant. Although criminal conspiracy has been alleged, there is no material to support said contention. He would submit that the deceased lost his life on account of accident due to explosion of gas cylinder. He invited attention of this court to the orders passed by the Sessions Court thereby releasing the accused Vikas and Vijay Subhash Patole as well as discharge order of Abhishek Gaware. He submits that applicant needs similar treatment.

5. Per contra, learned APP as well as learned advocate for the complainant vehemently oppose the application. It is pointed out that the trial has commenced and evidence of two witnesses has already been recorded. It is further pointed out that the deceased had illicit relations with the accused No.1, who was found alongwith applicant in hotel at Pune just before the death of the deceased. The electric wire has been purchased by the applicant. Death by electrocution is possible. However, with intention to destroy the evidence, story of gas explosion has been put forth by the applicant and wife of the deceased. It is pointed out that there is extra judicial confession of accused to his friend Kailas Sawant. The accused No.1 has also confessed of the committing murder of deceased to her sister Ashwini Bhangale. Her statement forms part of the charge sheet. It is submitted that the circumstances on record clearly points out guilt of the accused.

6. Having considered the submissions advanced, prima facie, there is material to indicate that the accused No.1 and applicant were constantly in touch with each other. They stayed together in hotel just

before the death of the deceased. Confessional statements although are weak piece of evidence but if cumulatively considered alongwith other circumstances, it may strengthen the case of the prosecution. There is triable material against the applicant. The trial has been progressed. Two witnesses have been examined and it is reported that further programme is fixed between 25th to 28th September, 2023. Release of the applicant at this stage may hamper smooth progress of the trial. In this background, at this stage, no case is made out to exercise discretion to grant bail. Hence, the application stands rejected.

7. It is made clear that the observations made in this order are only for the purpose of disposal of this application and same are prima facie in nature.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-