



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**941 BAIL APPLICATION NO. 1694 OF 2024**

PETRES JOSEPH GAIKWAD  
VERSUS  
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Abhaysinh K. Bhosle

APP for Respondent-State : Mr.A.A.A. Khan

...

**CORAM : S. G. MEHARE, J.**

**DATE : 9<sup>th</sup> October, 2024.**

**P.C.:**

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant seeks bail in Crime No.548 of 2021 registered with Zilha Peth Police Station, Dist.Jalgaon, for the offences punishable under sections 143, 147, 302, 201 of the Indian Penal Code.

3. It is a custodial death case. Deceased was under trial prisoner. The applicant has a case that the deceased and the other co-accused were fighting. Therefore, he went there. In that fighting, he had sustained injuries and he died. However, the false allegations are levelled against him that he bet the deceased on chest and he died. However, the custodial death judicial inquiry was going on and after one year, the crime has been registered. He would submit that he faced the judicial inquiry in which he has been held responsible. Thereafter, the crime was registered and the applicant has been arrested. He was the Superintendent of Prison, Jalgaon. He has a

defence that he has a good case on merit because the injured had received kick blows on his chest in the quarrel with the other co-accused. The eye-witness to the incident was came forward after a long time. He is an uniform servant. Nothing is to be recovered from him. Hence, he may be granted bail.

4. The learned APP has strongly opposed the application. He would submit that prima facie it has been established that the applicant was responsible for the death of undertrial prisoner. Offence is serious. Possibility of winning over the witnesses cannot be ruled out. Hence, he may not deserve bail.

5. Facts discussed above reveal that the applicant has already held responsible in the judicial inquiry of the incident. Necessary investigation has been done. No deadly weapon is used in the crime. Possibility of sustaining the trauma to chest in the quarrel with the other inmates cannot be ruled out. There are no antecedents to his discredit. Therefore, no purpose would be served keeping him behind bars. Hence, the following order:

### **ORDER**

- (i) Bail Application is allowed.
- (ii) Applicant **PETRES JOSEPH GAIKWAD** be released on bail in Crime No.548 of 2021 registered with Zilha Peth Police Station, Dist. Jalgaon, for the offences punishable under sections 143, 147, 302, 201 of the Indian Penal Code, on

furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :

- (a) He should not tamper with the prosecution witnesses.
- (b) He should attend the trial on each and every date and co-operate with the Trial Court to conclude the trial within reasonable time.

**(S.G. MEHARE, J.)**

*sga*