

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.177 OF 2017

(Hamid Kha Lal Kha ..vs.. The State of Maharashtra, through PSO Frazerpura, Amravati)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : S.B. SHUKRE, J.

DATED : 12-04-2017

Heard Shri S.G. Loney, learned Advocate for the applicant and Shri A.M. Kadukar, learned Additional Public Prosecutor for the non-applicant/State.

Perused the First Information Report and the reply, which is taken on record.

This applicant is concerned with the offences punishable under Sections 465, 468 and 471 of the Indian Penal Code. These offences have been subsequently added to the crime being Crime No.735/2016 registered at Police Station Frezarpura, Amravati against six other accused. This crime was for such offences as punishable under Sections 307, 147 and 148, 149, 341 and 427 read with Section 34 of the Indian Penal Code and Section 25 of the Arms Act and Section 135 of the Maharashtra Police Act. One of the co-accused in this crime submitted an age certificate in support of his contention that at the time of commission

of the crime he was a juvenile in conflict with law. During the course of investigation, this certificate was found to be forged and as it was alleged to be given to the police by this applicant and it was suspected that this applicant must have committed the act of forgery. Accordingly, aforestated offences were added and this applicant was also implicated in this crime for those offences.

It is seen from the record that even though this applicant has been arraigned in the present crime for the aforestated offences, there is no material available at this stage to indicate that this applicant himself may have done the forgery or may have instigated or aided somebody in doing it. In fact, it appears that this applicant performed his duty being a grandfather of one of the co-accused and accordingly he submitted one certificate, which his grandson desired him to do so. This applicant is aged about 71 years and having regard to the nature of evidence so far collected, I do not think that any liberty could be denied to this applicant.

The interim bail granted to the applicant by this Court on 22-03-2017 is hereby confirmed on same conditions.

JUDGE