

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No.716 of 2017
[Ramdas Govind Kharwade Vs. State of Mah., Kharangana PS, Distt. Wardha]

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

Court's or Judge's orders

Mr. R. R. Vyas, Adv., for the applicant.
Mr. T. A. Mirza, APP for non-applicant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 11th October, 2017

Heard.

The applicant apprehends his arrest in connection with Crime No. 383/17 registered at Kharangna Police Station, Distt. Wardha, for offences punishable under Sections 420, 468, 471 and 408 read with Section 34 of Indian Penal Code.

As per the First Information Report, Accused Nos. 1 to 16 are stated to have availed gold loan from a Bank by pledging gold ornaments. The Applicant - Accused No. 17 who is a goldsmith is stated to have connived with the other accused in preparing fake gold ornaments so as to facilitate obtaining gold loan. Hence, the

aforesaid crime came to be registered.

It is submitted on behalf of the applicant that the applicant is aged about ninety-two years and has no criminal antecedents. He is a registered valuer doing work of valuation since long. According to the learned counsel, considering the age of the applicant, his custody may not be warranted and instead he can be directed to co-operate with the investigation.

The application is opposed by Shri T. A. Mirza, learned Addl. Public Prosecutor, by relying upon the reply filed. The reasons for seeking custody are mentioned in para 7 of the application.

By order dated 6th October, 2017, the applicant was directed to be examined by the Civil Surgeon. Though the applicant was initially examined on 10th October, 2017, he could not remain present for final examination on the next date.

Be that as it may, it is not in dispute that the applicant is aged about more than ninety years. The reason for seeking custody is for obtaining specimen signatures and other investigation for finding out the truth of the crime. The age of the applicant is found to be a material factor for exercising discretion in his favour. He can be directed to assist the investigation by supplying specimen signatures and appearing before the

Investigating Officer.

In view of aforesaid, the ad interim order granted on 06th October, 2017 is made absolute. The applicant shall attend the concerned Police Station on 30th October, 2017 and thereafter as per the directions of the Investigating Officer. No steps be taken to influence the prosecution witnesses.

Observations made in this order are only for deciding this pre-arrest bail application.

Application is disposed of.

Judge

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