

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (ABA) NO. 213 OF 2017

(SHABBIR SULEMAN BOHRA & ANR...VS.. STATE OF MAH. THR. P.S.O. PS GONDIA CITY, DIST.
GONDIA)

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

Court's or Judge's orders

Shri N.R.Tekade, Advocate for Applicants.
Shri V.A.Thakare, A.P.P. for Non-applicant.
Shri V.R.Borkar, Advocate for Complainant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 27, 2017.

CRI.APPLN.(APPP) NO.642/2017.

Considering the facts of the case, the application filed by the complainant seeking permission to assist the prosecution is **allowed**.

CRI. APPLN. (ABA) NO. 213/2017

Heard.

On complaint filed by Hussain Bohara, crime is registered against the applicants for the offences punishable under Sections 452, 342, 294, 506 read with Section 34 of the Indian Penal Code. The facts on record shows that civil suit is pending between the parties in respect of the property in which civil Court has passed order of temporary injunction restraining the present applicants from interfering with the possession of the complainant over the suit property. It is alleged that inspite of the order of temporary injunction the

applicants forcibly entered the suit property and undertook some construction when the complainant was out of town.

The applicants claim to be businessmen and have stated that they are not involved in any other crime/ offence. Though the Investigating agency has made a complaint that the applicants have not attended the police station and have not co-operated with it inspite of the order passed by this Court while granting interim protection, the applicants have placed on record documentary evidence along with the affidavit sworn by applicant No.2 on 24th April, 2017 which shows that the applicants attended the Police Station on several dates.

The non-applicant has not been able to point out that the custody of the applicant is required for further investigation.

In the facts of the case, following order is passed:

The interim order passed by this Court 4th April, 2017 granting protection to the applicant is confirmed.

The application is **allowed** accordingly.

JUDGE