

MHGO080013282026 	Misc. Oth. Cri. Appln. No. 109/2026 Pravin Nagpure Vs. State of Maharashtra
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ORDER BELOW EXH. 01

(1) The present application is filed for custody of **Tractor bearing No. MH-35/AG-7060, Chasis No. MBNAV53ACKCE27758 and Engine No. DC.3009/SAE10152 and Trailer bearing Chasis No. KKA317112023** seized by Dawaniwada Police Station, District Gondia in C.R. No. 297/2026 for the offence punishable under Section 303(2), 305(e) of BNS.

(2) Learned A.P.P. and I.O. filed their respective say. They contended that appropriate order will be passed.

(3) In support of his claim applicant has filed verified copies of Certificate of Registration particulars of Tractor, Invoice bill of Trolly, Deed of Power of Attorney, rent agreement, FIR and his adhar card.

(4) Perusal of document on record, it is prima facie evident that, the seized Trolly is purchased in name of applicant Pravin Nagpure. However, seized Tractor is registered in name of Umeshkumar Ganvir. But, the rent agreement dated 10/04/2026 shows that the said Umeshkumar Ganvir has rented said Tractor in the present applicant and vide deed of power of attorney dated 07/06/2026 authorized him to file present application to obtain interim custody of said Tractor. The aforesaid document are verified from original copy. The application is supported by an affidavit. There is nothing on record to disbelieve the statement made by applicant on affidavit. There is no claimant in respect of said vehicle except the applicant. Thus, prima-facie present applicant is entitled for obtaining interim custody of seized Tractor and Trolly. As such in view of Judgment of Hon'ble Supreme Court of India in case of ***Sunderbhai Ambalal Desai Vs. State of Gujrat 2002***

Supp(3) SCR 39, I am of the opinion that, there is no necessity to keep the said vehicle lying in police station. Else, the possibility of damages can not be ruled out and no purpose will be served.

(5) Considering the aforesaid law and discussion, in my opinion applicant is entitled for custody of said vehicle on certain condition. Hence, I proceed to pass the following order:-

ORDER

1. Application is allowed.
- 2 **Tractor bearing No. MH-35/AG-7060 Chasis No. MBNAV53ACKCE27758 and Engine No. DC.3009/SAE10152 and and Trailer bearing Chasis No. KKA317112023** seized by Dawaniwada Police Station, District Gondia in C.R. No. 297/2026 for the offence punishable under Section 303(2), 305 (e) of BNS, be handed over in favour of the applicant **Pravin Nagpure** on his executing bond of Supurtnama (Indemnity Bond) of **Rs. 12,00,000/- (Rupees Twelve lac Only)** with following conditions :-
 - (a) He shall not dispose of the said vehicles, by transfer, mortgage, sale or by any other means without the prior permission of the court.
 - (b) He shall produce the said vehicles as and when required by the Court or police.
 - (c) He shall not change the colour, nature or description of the said vehicles.
 - (d) He shall maintain and preserve said vehicles in all respect during pendency of trial and shall not allow to be used in any crime.
- 3 Concerned police of Tirora Police Station, District Gondia is directed to prepare the condition panchanama of said vehicles and also cause the colour Photograph/s of the said

vehicles from both sides at applicant's cost prior to handing over the same to him and counter signed by him.

- 4 The copy of said panchanama and photographs be submitted along with charge-sheet.
- 5 Copy of this order be attached with remand paper/charge-sheet.

Date:- 03/08/2026

(A. S. Agrawal)
Judicial Magistrate First Class
Tirora.