

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

**CRIMINAL APPLICATION (APL) NO.582 OF 2021**

(Union Bank of India Vs. The State of Maharashtra thr. PSO PS Dhantoli, Nagpur and another)

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

*Court's or Judge's orders.*

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Mr. S.D. Ingole, Advocate for Applicant.  
Mr. N.S. Rao, APP for Non-Applicant 1/State.

**CORAM: ROHIT B. DEO, J.**

**DATE: 24<sup>th</sup> JUNE, 2021.**

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The applicant – Union Bank of India is challenging the order dated 06.10.2020 rendered by Adhoc District Judge-2 and Additional Sessions Judge, Nagpur in Misc. Criminal Application 248/2020 whereby the application preferred by the applicant – Bank for custody of Four Wheeler Endeavour – Ford bearing registration MH-31 FA-3488 on suprutnama, is allowed subject to the condition of execution of bond of Rs.30,00,000/- (Rupees Thirty Lakh only) and other necessary conditions.

3. The operative part of the order impugned read thus:

*1] Application (Exh.1) is hereby allowed.*

*2] The seized four wheeler Endeavour – Ford Car bearing registration MH-31/FA-3488, be released to applicant on executing supratnama bond of Rs.30,00,000/- (Rupees thirty lakh only) before this Court.*

*3] The applicant is hereby directed to produce the seized Four Wheeler Endeavour – Ford Car bearing registration MH-31/FA-3488 as and when called in same condition.*

*4] The applicant is hereby directed not to dispose of the concerned vehicle and not to change its original status.*

4. The applicant is apparently aggrieved by the conditions imposed.

5. Mr. Ingole, the learned counsel appearing on behalf of Union Bank of India would submit that if the borrower regularizes the account, the Bank would handover the custody of the vehicle to the borrower and should the borrower breach the conditions, it would be the Bank which would have to satisfy the bond.

6. The submission is noted only as a courtesy to Mr. Ingole.

7. It is at the instance of the applicant – Union Bank of India that custody of the seized vehicle is given. The Union Bank of India obviously cannot part with the custody, either in favour of the borrower or any other person, without the specific permission of the trial court.

The conditions imposed are not arbitrary. Rather, indulgence is shown to the applicant by insisting only on bond.

8. The application is absolutely unmerited and is dismissed.

**JUDGE**

NSN