

IN THE COURT OF 2ND ADDITIONAL DISTRICT AND
SESSIONS JUDGE, BHARUCH

Criminal Appeal No. 147 of 2026

Order below Exh. 4.

(1) Present is the application for stay of the judgement and order of Ld. Trial Court passed in the Criminal Case No. 797/2019 below Exh. 28 wherein the present appellant/accused was held guilty for the offence under Section 138 of the Negotiable Instrument Act.

(1.1) The appellant/accused Imtiyaz Ibrahim Ghela was directed to undergo simple imprisonment for the term of two(2) years and to pay fine of amount mentioned in the disputed cheque at Exh. 18. This Court has considered the judgement and order passed by the Ld. Trial Court.

(2) As the appellant/accused had not remained present before the Ld. Trial Court during the trial and the matter was pending since the year 2019 before deciding the present application the record of the Ld. Trial Court was called upon, today the record of the Criminal Case No. 797/2019 has been received, this Court has perused the record. The Ld. Advocate for the appellant/accused has agreed upon that the accused had not remained present before the Ld. Trial Court, but, at the same time, he had submitted that in this appeal he is trying for his settlement, the accused will remain present in the Court regularly,

to show his bonafide the Ld. advocate has showed his readiness to deposit the 20% amount of the cheque i.e., Rs. 1,20,000/- and for the remaining amount he has also submitted pursis and submitted that further 15% amount would be deposited in the Court for which adjournment had been asked, the same has been granted by this Court.

(3) Considering the submission and the fact that Rs. 1,20,000/- has been deposited in the Court and the accused will remain present in this Court during appeal, this Court passes following order...

ORDER

1. The appellant/accused is hereby ordered to be released on bail upon furnishing surety of Rs. 15,000/- (Rupees Fifteen thousand only) and personal bond of like amount and the execution and implementation of the order of sentence dated 07/03/2026 passed by the Ld. Judicial Magistrate F.C. -Amod in Criminal Case No. 797/2019 is hereby ordered to be suspended till final disposal of the present appeal on the following conditions:

- a. The appellant/accused shall deposit the 15% of cheque amount as per his undertaking, till next date..
- b. The appellant/accused shall remain present before this Court on each date without fail.

- c. The appellant/accused shall furnish his present and permanent residential address to this Court within 3(three) days from the date of this order and will not change residence without prior permission of this Court.
 - d. The appellant/accused shall furnish his land-line/mobile number to this Court within 3(three) days from the date of this order and will not change it without prior permission of this Court.
 - e. The appellant/accused shall furnish his authenticated photo identity proof showing his address, etc.
 - f. Bail bonds to be furnished before this Court.
2. Yadi be sent to lower Court.

Signed and pronounced in the open Court today i.e., 21st April 2026.

Date: 21/04/2026 Place: Bharuch (KKC)	Ejaz Mohsinali Shaikh 2 nd Additional District & Sessions Judge Bharuch(GJ00627)
---	---