

Criminal Appeal No. 41 / 2026

Order below Exh.5 :-

1. It transpires that the Ld. Adl. CJM. Junagadh has convicted the present appellant under the alleged offence u/Sec.138 of the Negotiable Instruments Act, 1881, in Criminal Case No.6022/2021 and aggrieved by that judgment, the present appellant has filed the present appeal.
2. With this appeal, he has filed an application to suspend the execution of the sentence and he has also prayed for the bail.
3. Ld. Adl.P.P., has strongly objected that since the appellant has been convicted, therefore, he should not be released on bail.
4. It is not disputed fact that the Legislature has given statutory right to file first appeal to the appellant and even, the Legislature has also given the discretion to the Appellate Court for suspending the execution of the sentence. Herein, it is an undisputed fact that at the time of pronouncement of the judgment, the accused was absent and the trial court had to issue a warrant. At the same time, the learned advocate for the accused has argued today that exemption was sought on medical grounds. Therefore, the Record and Proceedings (R&P) were called for; however, the same have not been received till 17:00 hours. Hence, the accused is required to be released on temporary bail. Considering the same, the following order is passed as under:

ORDER

Execution of the sentence order of dtd.10.02.2026 which

is passed in Criminal Case No.6022/2021 is hereby suspended till the final hearing of this appeal and and the present appellant is hereby ordered to be released **temporary bail till next date** on executing the bail of **Rs.15,000/- (Rupees Fifteen Thousand Only)** of solvent surety with personal bond of like amount on the following conditions :-

- (a) He shall appear in the Court regularly.
- (b) He shall not leave the territory of India till the final hearing of this appeal.
- (c) He shall have to submit the passport before this Court if he is having it.

Date : 09.03.2026
Junagadh

(B. G. Dave)
Sessions Judge
Junagadh
[GJ00469]