

## Order below Exh.5

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1. On institution of the present appeal under Section 415 of BNSS, against the order of conviction, the appellant herein who is the original accused has submitted separate application for staying the implementation of the said Judgment and order of conviction and granting him bail as provided in Sec.430 of BNSS. On institution of the present appeal, notice was issued to the other side. In pursuance to the same, the respondent No.1-State appeared through Ld. P.P. and Ld.Advocate for respondent No.2 has remained present.
2. Heard, perused the record and Judgment passed by the Ld. Trial Court. The appellant herein is convicted for the offence punishable u/s.138 of The Negotiable Instrument Act. Considering the facts and circumstances of the present case and section 148 of The Negotiable Instrument Act, at this juncture, the Judgment and order of conviction passed by the Ld. Trial Court in Criminal Case No.5809/2024, dtd.16-04-2025 is required to be stayed and suspended. Hence, following order is passed.

### **ORDER**

- The judgement and order passed by the learned 2nd Addl.Judicial Magistrate First Class, Mahesana in Criminal Case No.5809/2024, of dated 16/04/2025 is hereby kept in abeyance till final disposal of the appeal subject to deposition of 20% amount of the ordered cheque amount before the Nazir of District Court, within 60 days.

- The appellant/accused is hereby enlarged on regular bail, on furnishing personal bond of Rs.50,000/- and surety of the like amount before this Court on the following terms and conditions :
1. The appellant/accused shall not change his place of residence and mobile number without prior permission of the court.
  2. The appellant/accused shall co-operate for the expeditious disposal of the appeal.
  3. The appellant/accused shall remain personally present before the court regularly.
  4. The appellant shall furnish his permanent address, along with proof, copy of Aadhar Card and mobile number.
  5. The appellant shall surrender his original passport before this court, if he does not possess passport, he shall be pass the pursis to that effect.

Ld. Trial Court is hereby directed to send the R & P of Criminal Case No.5809/2024, after classifying it as per the Criminal Manual.

Copy of this order be sent to the Ld. Trial Court.

Signed and pronounced in the open Court on this 19<sup>th</sup> day of May, 2025.

Date:19/05/2025  
Place:Mahesana

(R.L. Jadeja)  
8<sup>th</sup> Additional Sessions Judge  
Mahesana  
Code: GJ01074