

Cri. Appeal No.18/2026**-:: ORDER BELOW APPLICATION AT Exh.4 ::-**

- 1). The appellant herein has preferred the present appeal against the conviction order passed by the Court of Ld. Additional Judicial Magistrate First Class at Morbi, in Criminal Case No.3450/2024, on 30/09/2025.
- 2). The appellant herein has filed the present application at Exh.4, for releasing him on regular bail pending the appeal, and also prayed to suspend the judgement and order of the Ld. Trial Court, till final disposal of this appeal.
- 3). Upon duly service of notice, the respondent has appeared before the Court through his Learned Advocate Shri H. L. Chavda and filed a purnis at Exh.6 declaring the fact that, since the respondent has received the cheque amount and since the parties have settled the dispute outside the Court, he has no objection if the present application is allowed.
- 4). In the present application at Exh.4, it is submitted by the appellant/accused that, the Ld. Additional Judicial Magistrate First Class at Morbi has convicted the appellant/accused for the offence punishable u/s.138 of the Negotiable Instruments Act, and sentenced him to

undergo simple imprisonment for one year and also ordered to pay an amount of Rs.29,46,238/- i.e. double the amount of cheque along with interest @ 9% from the date of filing of the complaint till its realization, to the complainant as compensation, and in default to pay the amount of fine and compensation, he is ordered to undergo simple imprisonment for furthermore period of ninety days. It is further stated that, the appellant/accused is residing at the address shown in the application and therefore, he may not run away or abscond during the pendency of appeal. It is further submitted that, the appellant has filed the present appeal against the conviction order passed by the Ld. Trial Court and therefore, it is requested to extend or grant a fresh bail to the appellant/accused, till the final disposal of the appeal. It is further requested to suspend the judgment and order of the Trial Court.

- 5). Perused the record, it is admitted fact that, the Court of Ld. Additional Judicial Magistrate First Class at Morbi, has convicted the appellant/accused for the offence punishable u/s.138 of the Negotiable Instruments Act, and sentenced him to undergo simple imprisonment for one year and also ordered to pay an amount of Rs.29,46,238/- i.e. double the amount of cheque along with interest @ 9% from the date of filing of the

complaint till its realization, to the complainant as compensation, and in default to pay the amount of fine and compensation, he is ordered to undergo simple imprisonment for furthermore period of ninety days. The appellant/accused is permanently residing at the address shown in the application and he has assured the Court that, if he is released on regular bail, he will abide by the conditions imposed by this Court. This Court has also taken into consideration the pursis filed by the original complainant at Exh.6 declaring the fact that, he has no objection if the present application is allowed. It further appears that, the Ld. Trial Court passed the conviction order on 30/09/2025 and sentenced the appellant/accused for less than three years of imprisonment. Thus, in view of the above, it appears to this Court that, this is a fit case in which the discretionary powers is required to be used in favour of the appellant/accused. Therefore, in the interest of justice and in view of the provisions made u/s.430(3) of B.N.S.S., following order is passed.

-:: **ORDER** ::-

- [1] The execution of the conviction order, dtd.30/09/2025, passed by the Ld. Additional Judicial Magistrate First Class at Morbi, in Criminal Case No.3450/2024, is hereby ordered to be suspended till final disposal of this appeal.
- [2] The appellant/accused, namely, **Pravinbhai Shivrambhai**

Mod, Prop. of Anjali Enterprise, is ordered to be released on bail, till final disposal of this appeal, on furnishing a bond of **Rs.25,000/- (Rupees Twenty Five Thousand Only)**, with his recent self-attested Photograph and one surety of alike amount, before this Court, on following conditions :-

- (i) The appellant/accused shall remain present before the Court regularly, till the final disposal of the appeal.
- (ii) The appellant shall provide his residential address and Mobile Number at the time of execution of a bond and, shall not change his residence & Mobile Number without the prior permission of this Court till final disposal of the appeal or till further orders;

[3] A copy of this order be sent to the Ld. Trial Court, immediately.

Signed and pronounced in the open Court on this 30th day of January, 2026.

Place :- Morbi
Date :- 30/01/2026

(**P. V. Shrivastav**)
Sessions Judge,
Morbi
Judge Code GJ00372

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