

IN THE COURT OF SESSIONS JUDGE, MORBI.

GJMR010014552026

**Criminal Appeal No.106/2026****-:: Order Below Application at Exhibit 4 ::-**

- 1) The appellant herein has preferred the present appeal against the conviction order passed by the Court of Learned Judicial Magistrate First Class at Tankara, in Criminal Case No.1097/2024, on 08/04/2026.
- 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 Learned Trial Court, till final disposal of this appeal.
- 3) Upon due service of notice, the Learned Public Prosecutor Mr. V. C. Jani has appeared before this Court on behalf of the opponent No.2 / State, and resisted the present application.
- 4) In the present application, it is submitted by the appellant / accused that, the Learned Judicial Magistrate First Class at Tankara has convicted him for the offence punishable u/s.78(2) of B.N.S., and sentenced him to undergo simple imprisonment for a period of one year, and also ordered to pay Rs.10,000/- to the complainant as compensation towards the mental torture, within 60 days of that order, and in default of payment of compensation, the accused

shall undergo further simple imprisonment for a period of three months. It is submitted that thereafter, the appellant applied for bail during the appeal period, which was granted by the Learned Trial Court, and the appellant was released on bail for the appeal period vide order dated 08/04/2026 passed by the Learned Trial Court. It is further stated that, the appellant 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 Learned Trial Court and therefore, it is requested to 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) Heard the Learned Advocates appearing on behalf of the parties and on perusal of the record, it is admitted fact that, the Court of Learned Judicial Magistrate First Class at Tankara, has convicted the appellant / accused for the offence punishable u/s.78(2) of B.N.S., and sentenced him to undergo simple imprisonment for a period of one year, and also ordered to pay Rs.10,000/- to the complainant as compensation towards the mental torture, within 60 days of that order, and in default of payment of compensation, the accused shall undergo further simple imprisonment for a period of three months. 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. It further appears that, the Learned Trial Court passed the conviction order on 08/04/2026 and sentenced the appellant / accused for less than three years of imprisonment. Thus, in view of the above, this Court finds it appropriate to exercise its discretion in favour of the appellant/accused. Therefore, in the interest of justice and in view of the provisions made u/s.430(1) of B.N.S.S., following order is passed.

-:: **ORDER** ::-

- [1] The execution of the conviction order, dtd.08/04/2026, passed by the Learned Judicial Magistrate First Class at Tankara, in Criminal Case No.1097/2024, is hereby ordered to be suspended till final disposal of this appeal.
- [2] The appellant/accused, namely, **Dineshbhai @ Pintu Nanjibhai Jadav**, 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 Learned Trial Court, immediately.

Signed and pronounced in the open Court today on this 15th day of May, 2026.

Place :- Morbi
Date :- 15/05/2026

(K. R. Pandya)
I/c. Sessions Judge,
Morbi
Judge Code GJ00739

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