

IN THE COURT OF SESSIONS JUDGE, MORBI.

GJMR010016542026

**Criminal Appeal No.135/2026****-:: Order Below Application at Exhibit-4 ::-**

- 1) The appellant through his Learned Advocate Mr. J. M. Parikh, has preferred the present appeal against the conviction order passed by the Court of Learned Additional Chief Judicial Magistrate at Wankaner, in Criminal Case No.2061/2025, on 02/05/2026.
- 2) The appellant herein has filed the present application at Exhibit-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 opponent has appeared before this Court through his Learned Advocate Mr. S. M. Sherasiya, and resisted the present application.
- 4) In the present application, it is submitted by the appellant / accused that, the Learned Additional Chief Judicial Magistrate at Wankaner has convicted him for the offence punishable u/s.138 of the Negotiable Instruments Act, and sentenced him to undergo imprisonment for a period of six months and further ordered to pay cheque amount of Rs.95,000/- along with interest @ 8% p.a., to the complainant as compensation, and in default of payment of the same, the accused shall undergo further simple

imprisonment for a period of one month. It is submitted that, thereafter, the appellant surrendered before the Court and applied for bail till appeal period which was granted by the Learned Trial Court on 26/05/2026 and he was released on bail. 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 Additional Chief Judicial Magistrate at Wankaner, has convicted the appellant / accused for the offence punishable u/s.138 of the Negotiable Instruments Act, and sentenced him to undergo imprisonment for a period of six months and further ordered to pay cheque amount of Rs.95,000/- along with interest @ 8% p.a., to the complainant as compensation, and in default of payment of the same, the accused shall undergo further simple imprisonment for a period of one month. 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 02/05/2026 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 present application at Exhibit-4, filed by the appellant, **Mansukhbhai Ambabhai Baraiya**, is hereby allowed.
- [2] The execution of the conviction order, dtd.02/05/2026, passed by the Learned Additional Chief Judicial Magistrate at Wankaner, in Criminal Case No.2061/2025, is hereby ordered to be suspended till final disposal of this appeal.
- [3] The appellant / accused, namely, **Mansukhbhai Ambabhai Baraiya**, 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 deposit in this Court, 20% of the compensation as mentioned in order of

Learned Trial Court, within 10 days of this order.

- (ii) The appellant/accused shall remain present before the Court regularly, till the final disposal of the appeal.
- (iii) 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;

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

Signed and pronounced in the open Court today on this 10th day of June, 2026.

Place :- Morbi
Date :- 10/06/2026

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

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