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**IN THE COURT OF PRINCIPAL DISTRICT &
SESSIONS JUDGE AT PORBANDAR.**

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Order below Exh.4 in Criminal Appeal No.18/2026

- [1] The appellants have preferred this application to suspend the Judgment dated 05.01.2026 passed by the Fifth Additional Chief Judicial Magistrate, Porbandar in Criminal Case No.1358/2025 and to release them on bail till final disposal of the appeal.
- [2] Learned advocate for the appellants has mainly relied on the contentions raised in the present application and has argued that the appellants have preferred present appeal challenging the Judgment dated 05.01.2026 passed by the Fifth Additional Chief Judicial Magistrate, Porbandar in Criminal Case No.1358/2025, whereby the appellants have been held guilty of the offence punishable under Section-138 of the Negotiable Instrument Act, 1888 (hereinafter referred N. I. Act') and ordered sentence of six months simple imprisonment and also ordered to pay the cheque amount of Rs.80,000/- to the respondent No.2 (original complainant) and in default, simple imprisonment of one month. It is also submitted that the appellants have sufficient ground to set aside the conviction order and therefore they have preferred the present appeal against the said order and it is also submitted that the learned Trial Court has suspended the sentence order till appeal period and released the appellants on bail for 30 days to prefer an Appeal. It is further submitted that the appellants are ready

to furnish believable sureties of Hon'ble Court and they are also ready to accept the conditions imposed by the Hon'ble Court. Lastly, it is prayed to allow the present application and to suspend the Judgment dated 05.01.2026 passed by the Fifth Additional Chief Judicial Magistrate, Porbandar in Criminal Case No.1358/2025 and to release them on bail till final disposal of the appeal.

- [3] Considering the fact that the appellants/accused have been convicted by the learned Trial Court for the offence committed U/s.138 of the Negotiable Instrument Act, 1881 and the learned Trial Court has sentenced to undergo six months simple imprisonment and also ordered to pay the cheque amount to the respondent No.2 (original complainant), the appellants/accused have filed the present appeal. The appellants/accused were also granted bail till appeal period by the learned Trial Court to prefer an Appeal. Hence, it is necessary to consider the provision of Sec.148 of the Negotiable Instrument Act, 1881. Therefore, considering the facts and circumstances of the case as well as the provision of Sec.148 of the Negotiable Instrument Act, 1881, it appears that the appellants/accused are required to be released on bail with conditions. Therefore, following order is passed in the interest of justice.

ORDER

- [1] The present application Exh.4 is hereby partly allowed.
- [2] The execution of sentence passed in Judgment dated 05.01.2026 passed by the Fifth Additional Chief Judicial

Magistrate, Porbandar in Criminal Case No.1358/2025 is hereby suspended till the final disposal of present appeal.

[3] Pending hearing of the criminal appeal, the appellant No.2 (original accused of Criminal Case No.1358/2025) shall be released on bail, on executing personal bond of **Rs.15,000/- (Rupees Fifteen Thousand Only)**, with surety of the like amount to the satisfaction of This Court on the following conditions that he:

- (a) shall deposit 20% of the cheque amount before this Court within 60 days.
- (b) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.
- (c) shall furnish his permanent address before this Court and shall not change the residence without prior permission of the concerned Court;
- (d) shall not take undue advantage of his liberty.
- (e) shall not leave the limits of India without prior permission of the concerned Court.
- (f) shall present before the Appeal Court on each and every adjournment till final disposal of the appeal.

[4] Bail bond be executed before this Court.

Signed and pronounced in the open Court today on 21st day of January, 2026.

Date: 21.01.2026.
Place: Porbandar

(Pinakin Chandrakant Joshi)
(GJ00334)
Principal District & Sessions Judge,
Porbandar.