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

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**Order below Exh.5 in Criminal Appeal No.118/2025**

- [1] The appellants have preferred this application u/s.430 of the Bharatiya Nagarik Suraksha Sanhita 2023 to suspend the Judgment dated 10.09.2025 passed by the Judicial Magistrate First Class, Kutiyana in Criminal Case No.141/2022 and to release them on bail till final disposal of the appeal.
- [2] Learned advocate for the appellant 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 10.09.2025 passed by the Judicial Magistrate First Class, Kutiyana in Criminal Case No.141/2022, whereby the appellants have been held guilty of the offence punishable under Sec.323 & 114 of the Indian Penal Code and ordered sentence of imprisonment and also ordered to deposit fine. 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 10.09.2025 passed by the Judicial Magistrate First Class, Kutiyana in Criminal Case No.141/2022 and to release them on bail till final disposal of the appeal.

- [3] Ld. P. P. Mr. S. B. Jethwa appeared on behalf of the State, but he has not filed any reply in the matter.
- [4] Considering the fact that the appellants have been convicted by the learned Trial Court for the offence committed under Sec.323 & 114 of the Indian Penal Code and ordered sentence of imprisonment and also ordered to deposit fine, 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 provisions of Sec.430 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Therefore, considering the facts and circumstances of the case as well as the provision of Sec.430 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 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.5 is hereby partly allowed.
- [2] The execution of sentence passed in Judgment dated 10.09.2025 passed by the Judicial Magistrate First Class,

Kutiyana in Criminal Case No.141/2022 is hereby suspended till the final disposal of present appeal.

[3] Pending hearing of the criminal appeal, the appellants (original accused of Criminal Case No.141/2022) shall be released on bail, on executing personal bond of **Rs.15,000/- (Rupees Fifteen Thousand Only) each**, with surety of the like amount each to the satisfaction of This Court on the following conditions that they:

- (a) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.
- (b) shall furnish their permanent addresses before this Court and shall not change the residence without prior permission of the concerned Court;
- (c) shall not take undue advantage of their liberty.
- (d) shall not leave the limits of India without prior permission of the concerned Court.
- (e) 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 13<sup>th</sup> day of October, 2025.

Date: 13.10.2025.  
Place: Porbandar

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