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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.5/2025

- [1] The appellant has preferred this application u/s.430 of the Bharatiya Nagarik Suraksha Sanhita 2023 to suspend the Judgment dated 06.01.2025 passed by the Judicial Magistrate First Class, Porbandar in Criminal Case No.64/2022 and to release him 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 appellant has preferred present appeal challenging the Judgment dated 06.01.2025 passed by the Judicial Magistrate First Class, Porbandar in Criminal Case No.64/2022, whereby the appellant has been held guilty of the offence punishable under Sec.279 & 337 of the Indian Penal Code and ordered sentence of imprisonment and also ordered to deposit fine. It is also submitted that the appellant has sufficient ground to set aside the conviction order and therefore he has 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 appellant on bail for 30 days to prefer an appeal. It is further submitted that the appellant is ready to furnish believable sureties of Hon'ble Court and he is 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 06.01.2025 passed by the learned Trial Court in Criminal Case No.64/2022 and to release him on bail till final disposal of the appeal.

- [3] Notice was duly served to the opponent State, but the opponent has not filed any reply in the matter.
- [4] Considering the fact that the appellant has been convicted by the learned Trial Court for the offences committed under Sec.279 & 337 of the Indian Penal Code and ordered sentence of imprisonment and also ordered to deposit fine, the appellant/accused has filed the present appeal. The appellant/accused was 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 appellant/accused is 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 06.01.2025 by the Judicial Magistrate First Class, Porbandar in Criminal Case No.64/2022 is hereby suspended till the final disposal of present appeal.

[3] Pending hearing of the criminal appeal, the appellant (original accused of Criminal Case No.64/2022) 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 not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.
- (b) shall furnish his permanent address before this Court and shall not change the residence without prior permission of the concerned Court;
- (c) shall not take undue advantage of his 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 18th day of January, 2025.

Date: 18/01/2025.

Place: Porbandar

(Pinakin Chandrakant Joshi)

(GJ00334)

Principal District & Sessions Judge,
Porbandar.

(AUK)