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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.160/2025

[1] The appellant has preferred this application to suspend the Judgment dated 07.11.2025 passed by the Second Additional Chief Judicial Magistrate, Porbandar in Criminal Case No.7334/2021 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 07.11.2025 passed by the Second Additional Chief Judicial Magistrate, Porbandar in Criminal Case No.7334/2021, whereby the appellant has 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 one year simple imprisonment and also ordered to pay Rs.7,50,000/- to the respondent No.1 (original complainant) as compensation within 30 days. 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 07.11.2025 passed by the Second Additional Chief Judicial Magistrate, Porbandar in Criminal Case No.7334/2021 and to release him on bail till final disposal of the appeal.

[3] Considering the fact that the appellant/accused has 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 one year simple imprisonment and also ordered to pay Rs.7,50,000/- to the respondent No.1 (original complainant) as compensation, 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 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 appellant/accused is required to be released on bail with conditions. Therefore, following order is passed in the interest of justice.

O R D E R

[1] The present application Exh.4 is hereby partly allowed.

[2] The execution of sentence passed in Judgment dated 07.11.2025 passed by the Second Additional Chief Judicial Magistrate, Porbandar in Criminal Case No.7334/2021 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.7334/2021) 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 8th day of December, 2025.

Date: 08.12.2025.
Place: Porbandar

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

(AUK)