

Order below Exh.4 in
Criminal Appeal No.34/2025

- [1] The present application has been filed on behalf of appellant seeking bail under Section 430 of the Bhartiya Nagarik Suraksha Sanhita (BNSS), during the pendency of present appeal as well as seeking suspension of sentence. A perusal of Section 430 of the Bhartiya Nagarik Suraksha Sanhita (BNSS), reveals that Section 430 of the Bhartiya Nagarik Suraksha Sanhita (BNSS), encompasses the application filed on behalf of appellant.
- [2] It has been averred in the above-mentioned application that the appellant has challenged the impugned judgment of the **Ld. Judicial Magistrate First Class, Bardoli, in Criminal Case No.126/2022, dated 21/01/2025**, for the offence punishable **u/s. 138 of the Negotiable Instruments Act**, convicting him for **simple imprisonment for two year** and directed him to pay Rs.34,000/- is awarded to the complainant as compensation and in default, has awarded simple imprisonment of thirty days. Therefore, he has prayed to suspend the sentence passed by the **Ld. Judicial Magistrate First Class, Bardoli** and also to release him on bail
- [3] Learned Advocate for the appellant has submitted that the appellant has sufficient grounds to challenge the conviction and order of sentence and, therefore, he has preferred the present appeal against the said Order and has further submitted that **Learned Ld. Judicial Magistrate First Class, Bardoli** has suspended the sentence till the appeal period and released him on bail, therefore, he has requested the Court to grant him bail till the final disposal of the

present appeal and also to suspend the sentence passed against him.

- [4] I have heard the Learned Advocate and also perused the documents filed alongwith the bail application and it transpires that the appellant has been released on bail and execution of sentence is stayed till the appeal period.
- [5] Considering the fact that the accused has been convicted and sentenced by the **Learned Judicial Magistrate First Class, Bardoli** for the offence committed **u/s. 138 of the Negotiable Instruments Act**. Further, it is worthwhile to mention here that the applicant-accused remained on bail during trial and nothing adverse has been brought to the notice of this Court as to if the applicant-accused may violate the order of suspension of sentence. Hence, by taking recourse to provisions of section 430 of the Bhartiya Nagarik Suraksha Sanhita (BNSS), following order ensues:

ORDER

- (1) The present Application Exh.4 stands allowed subject to appellant/ originally accused submitting surety bond in sum of Rs.25,000/- with one surety of like amount subject to following conditions:
- (A) The appellant(s)/ originally accused shall remain present before this Court regularly during pendency of present appeal.
- (B) The appellant(s)/ originally accused shall submit his/her/their mobile phone number and residence address along with authenticated documentary proof.
- (C) The appellant-accused is directed to pay **20% amount of the compensation** awarded by learned

Trial Court in the impugned judgment within 60 days of passing of this order to the complainant.

(D) The appellant is directed to appear before the Appellate Court on each and every date of hearing.

(E) The bail bond to be executed before the concerned Court.

Yadi to be sent to the concerned learned Trial Court for necessary information and compliance of this order.

Signed and pronounced in the open Court today on this **15th day of April, 2025** at Bardoli.

Date : 15/04/2025
Place: Bardoli.

(Preet Kamal Tirath Ram)
6th Additional District Judge,
Surat at Bardoli.
UID. No.GJ 01594