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Criminal Appeal No.40/2022

Order Below Ex.4

(1) The applicant has filed the present appeal against the judgment and order of conviction passed by the learned Judicial Magistrate First Class, Taluka Palsana, District Surat on 06/10/2022 in Criminal Case No.2833 of 2019, by which learned Court has held the applicant guilty for the offence under Section 138 of NI Act and has awarded simple imprisonment of six months and also directed to pay compensation to the original complainant.

(2) The learned advocate for the applicant has submitted that the applicant is resident of the Surat District. The learned advocate has further submitted that the applicant has to maintain his family. The learned advocate has further submitted that there is no possibility of the applicant to ran away from the jurisdiction of the learned Court. The learned advocate has prayed to allow the application and to release the applicant on bail during pending appeal.

(3) Heard the learned advocate for the applicant. Perused the judgment of the learned Trial Court. Considering the facts that the applicant is residence of Surat District and he is residing with his family and there is no possibility of the applicant to escape. Moreover, the applicant was on

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bail during trial and even after judgement, the applicant is granted bail for 30 days. Looking to the pendency of matters, there is no possibility of disposal of the present appeal in near future and it may take some time and during this period, there is no need to keep the applicant in custody. Hence, following order is passed.

:: O R D E R ::

(1) The present application is hereby allowed and the judgment and order of conviction passed by the learned Judicial Magistrate First Class, Taluka Palsana, District Surat on 06/10/2022 in Criminal Case No.2833 of 2019, is hereby suspended till final disposal of present appeal and the applicant is ordered to be released on bail on furnishing surity of Rs.15000/- along with personal bond and also upon following conditions;-

(A) The applicant shall submit their passport before the learned Trial Court within 10 days and if the applicant do not possess any passport, the applicant shall file an affidavit to that effect.

(B) The applicant shall deposit 20% amount of Compensation awarded by the learned Trial Court within 30 days from the date of this order.

(C) The applicant shall remain present before this Court regularly during pendency of present appeal.

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(D) The applicant shall disclose his mobile number and residence address along with authenticated documentary proof.

Yadi to be sent to the concerned learned Court.

Pronounced in open court today on this 5th day of November, 2022.

Place : Bardoli
Date : 05/11/2022

[Basantkumar Gurmukhlal Golani]
7th Addl. Sessions Judge,
Surat at Bardoli,
U.I.Code No.GJ01509