

Order below Exh.4
in
Criminal Appeal No.165/2025

- [1] The present application has been filed by the appellant seeking suspension of sentence under Section 430 of BNSS and also release the appellant on bail.
- [2] It has been averred in the above-mentioned application that the appellant has challenged the impugned judgment of the Ld. Principal Senior Civil Judge & Additional Chief Judicial Magistrate, Bardoli in Criminal Case No.2096/2023, dated 04-07-2025, for the offence punishable u/s. 138 of the Negotiable Instruments Act, convicting him for rigorous imprisonment for two years and directed him to pay compensation of cheque amount i.e. Rs.1,02,022/- to the complainant and in default of payment the accused to suffer further rigorous imprisonment for 6 months. Therefore, he has prayed to suspend the sentence passed by the Ld. Principal Senior Civil Judge and Additional Judicial Magistrate, 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. It is submitted that the appellant is local resident of Surat district and have responsibility of his family and he will not flee. It is further submitted that he has no any criminal antecedents. Therefore, he has requested the Court to grant them bail till the final disposal of the present appeal and also to suspend the sentence passed against them.
- [4] Learned Advocate for the respondent has appeared before this Court and has objected to the present application.

[5] I have heard the Learned Advocate and also perused the documents filed alongwith the bail application and it transpires that the appellant have been convicted and he is in custody.

[6] Considering the fact that the accused has been convicted and sentenced by the Ld. Principal Senior Civil Judge & Additional Chief Judicial Magistrate, Bardoli for the offence committed u/s. 138 of the Negotiable Instruments Act, in consequence of conviction warrant issued against him. Therefore, he was arrested and he is in judicial custody. Hence, it would be just and proper if the accused is released on bail till pendency of the appeal and the order of sentence is suspended during the pendency of present appeal. Hence, by taking recourse to provisions of section 430(1) of the Bhartiya Nagarik Suraksha Sanhita (BNSS) following order ensues:

ORDER

(1)The present Application Exh. 4 stands allowed subject to appellant(s)/ original accused submitting surety bond in sum of Rs.50,000/- with one surety of like amount subject to following conditions:

(A) The appellant(s)/ original accused shall remain present before this Court regularly during pendency of present appeal.

(B) The appellant(s)/ original accused shall submit his/her/their mobile phone number and residence address along with authenticated documentary proof.

(C) The appellant/s-accused is/are directed to pay **25% amount of the compensation** awarded by learned Trial Court in the impugned judgment within 60 days of passing of this order in the trial Court.

(D) The appellant/s is/are 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 **22nd day of December, 2025.**

Date : 22/12/2025
Place: Bardoli.

Nareshkumar R. Jain
5th Additional Sessions Judge, Surat
at Bardoli
(Unique ID Code: GJ00582)