

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 195 of 2026
With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE)
NO. 1 of 2026
In R/CRIMINAL APPEAL NO. 195 of 2026

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SURAJ RAMRAHIS JATAV
Versus
STATE OF GUJARAT & ANR.

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Appearance:

SALMAN S KHAN(9496) for the Appellant(s) No. 1
NOTICE THROUGH SPEED POST NOT RECEIVED BACK for the
Opponent(s)/Respondent(s) No. 2
NOTICE UNSERVED for the Opponent(s)/Respondent(s) No. 2
MS MEGHA CHITALIYA, APP for the Opponent(s)/Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 17/03/2026

ORAL ORDER

ORDER IN CRIMINAL APPEAL :

Leave to amend is granted. To be carried out accordingly.

Notice was issued to the respondent no.2 but the same remained unserved and the notice came back with the endorsement that the respondent no.2 sold the property and has gone to reside some other place and hence, notice could not be served.

Heard learned advocate Mr. Salman S. Khan for the appellant and learned APP Ms.Megha Chitaliya for the respondent – State.

Admit. Learned APP waives service of notice of admission for the respondent – State.

ORDER IN CRIMINAL MISC. APPLICATION :

1. Draft amendment is allowed. To be carried out accordingly.
2. Notice was issued to the respondent no.2 but the same remained unserved and the notice came back with the endorsement that the respondent no.2 sold the property and has gone to reside some other place and hence, notice could not be served.
3. Rule. Learned APP waives service of notice of rule for the respondent – State.
4. By way of present application under Section 430 of the BNSS, 2023, the applicant - accused is seeking suspension of sentence and release on regular bail during pendency of the

present appeal against the judgment and order of conviction in POCSO Case No. 29 of 2024 passed by the learned 8th Additional District & Sessions Judge, Ahmedabad (Rural) @ Navrangpura on 26.11.2025, whereby, the applicant - accused was sentenced to rigorous imprisonment of 3 years and fine of Rs.1,000/- and in default, simple imprisonment of two months for the offence punishable under Section 354(a) of the IPC, rigorous imprisonment of 3 years and fine of Rs.1,000/- and in default, simple imprisonment of two years for the offence punishable under Section 8 of the Protection of Children From Sexual Offences (POCSO) Act and rigorous imprisonment of 3 years and fine of Rs.1,000/- and in default, simple imprisonment of two years for the offence punishable under Section 12 of the Protection of Children From Sexual Offences (POCSO) Act. The learned Trial Court was pleased to further order that all the sentences were to run concurrently.

5. Learned advocate for the applicant – accused submits that the sentence is a fixed period of three years and after the conviction order passed by the learned Sessions Judge, the applicant preferred application below Exh.45 to suspend the

sentence upto to appeal period and accordingly, the learned Sessions Judge suspended the sentence upto appeal period. The present appeal is not likely to be heard in near future and hearing of the same would take a long time and hence, no purpose would be served by keeping the applicant in jail for indefinite period with the hardened criminals. The applicant has a good case on merits and hence, the order of the sentence may be suspended and the applicant may be released on regular bail on appropriate terms and condition.

6. Learned APP for the State has objected to the present application to grant suspension of sentence and has submitted that the order of sentence is just and proper and no interference is required in the order passed by the learned Special Judge and hence, present application may be rejected.

7. Having heard learned advocate for the respective parties and perused the document produced on record, without entering into the merits of the case, this court is of the opinion that the application requires consideration and accordingly, is allowed. The execution of the sentence passed in POCSO Case No. 29 of 2024 passed by the learned 8th Additional District &

Sessions Judge, Ahmedabad (Rural) @ Navrangpura on 26.11.2025 is suspended during pendency of the appeal and the applicant is ordered to be released on bail on furnishing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with surety of the like amount to the satisfaction of the trial court and on the following conditions:

- (i) shall not take undue advantage of liberty or misuse liberty;
- (ii) shall not leave India without prior permission of this Court;
- (iii) shall furnish the present address of his residence to the Court concerned at the time of execution of the bond and shall not change the residence without the prior permission of this Court;
- (iv) shall maintain law and order;
- (v) shall not indulge in any activity leading to breach of public peace and tranquility.

8. Rule is made absolute. Direct service is permitted.

F.S. KAZI

(S. V. PINTO,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: KAZI FARUKHUSEN(HC01075), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 17/03/2026 18:09:19