

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 291 of 2026****With****CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2026****In R/CRIMINAL APPEAL NO. 291 of 2026**

=====

SHAILESHBHAI RUPSINGBHAI PATEL & ANR.**Versus****STATE OF GUJARAT & ANR.**

=====

Appearance:**MR. ALTAF Y CHARKHA(7271) for the Appellant(s) No. 1,2****NOTICE SERVED for the Opponent(s)/Respondent(s) No. 2****MR. ADITYA JADEJA, APP for the Opponent(s)/Respondent(s) No. 1**

=====

CORAM:HONOURABLE MS. JUSTICE S.V. PINTO**Date : 23/03/2026****ORAL ORDER****ORDER IN CRIMINAL APPEAL:-**

Admit. Learned APP waives service of admission for and on behalf of the respondent State.

Though served, the respondent No.2 has not appeared either in person or through an advocate.

ORDER IN CRIMINAL MISC. APPLICATION:-

1. Though served, the respondent No.2 has not appeared either in person or through an advocate.

2. **RULE.** Learned Additional Public Prosecutor appears and waives service of notice of rule on behalf of the respondent-State.

3. By way of the present application under Section 430 of the Bharatiya Nagarik Surakhsha Sanhita, 2023, the applicants are seeking suspension of sentence and release on regular bail during pendency of the present appeal against the judgment and order of conviction passed in Special Case (POCSO) No.29/2025 by the learned Special Judge (POCSO) & 4th Additional Sessions Judge, Panchmahal, Godhra on 07.01.2026, whereby, the present applicants were sentenced to rigorous imprisonment of 03 years and fine of Rs.10,000/- each, and in default, simple imprisonment of three months for the offence under Section 137(2) and 54 of the Indian Penal Code.

4. Heard learned advocate Mr. Nadeem P. Mansuri for learned advocate Mr. Altaf Y. Charkha for the applicants and learned APP Mr. Aditya Jadeja for the respondent State.

5. Learned Advocate Mr. Nadeem P. Mansuri for learned advocate Mr. Altaf Y. Charkha for the applicants submits that the applicants have been sentenced for a period of 03 years by the judgment and order dated 07.01.2026 and pursuant to the judgment and order of conviction, the

applicants had filed an application at Exh.115 for suspension of sentence under Section 430 of the B.N.S.S. The learned Trial Court was pleased to allow the application and suspend the execution of the sentence and release the applicant on bail. The applicants have filed the appeal within the period of limitation and the applicants have been protected till today. Learned advocate submits that the applicants have been sentenced for a fixed period of 03 years and has a good case on merits. Moreover, the appeal is not likely to be heard in near future and hearing of the same would take some long time and hence, no purpose would be served by keeping the applicants in jail for indefinite period with hardened criminals. The applicants have a good case on merits and hence, the application may be allowed and the applicants be enlarged on bail pending hearing and final disposal of the captioned Criminal Appeal.

6. Learned APP Mr. Aditya Jadeja for the respondent - State has strongly objected to the submissions made by the learned advocate for the applicant and has submitted that the learned Trial Court has rightly convicted the present applicants as they have been involved in a very serious

offence, however, necessary orders may be passed in the interest of justice.

7. On perusal of the impugned judgment and order passed by the learned Trial Court below Exh.115, it appears that the execution of order of sentence of the applicants have been suspended and the order has been continued till today. Moreover, on perusal of the impugned judgment and order, it appears that the arguments of the learned advocate for the applicants deserves consideration and without entering into the merits of the case, this court is of the opinion that the application requires consideration and accordingly, is allowed. The order of execution of the sentence in the judgment and order passed in Special Case (POCSO) No.29/2025 by the learned Special Judge (POCSO) & 4th Additional Sessions Judge, Panchmahal, Godhra on 07.01.2026, is suspended during pendency of the Criminal Appeal and the applicants are ordered to be released on bail on furnishing personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each, with surety of the like amount to the satisfaction of the trial court and on the following conditions that the applicant;

- (i) shall not take undue advantage of liberty or misuse liberty;

- (ii) shall furnish the present address of their residence to the Court concerned at the time of execution of the bond;
- (iii) shall maintain law and order;
- (iv) shall not indulge in any activity leading to breach of public peace and tranquility;
- (v) shall deposit the entire amount of fine if not paid within four weeks;

9. In view of the above, the present application stands disposed of. Rule is made absolute to the aforesaid extent. Direct service is permitted.

ROHAN SONI

(S. V. PINTO,J)