

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 524 of 2026**

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ANILJI KHODAJI THAKOR
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR YASH K DAVE(10269) for the Appellant(s) No. 1

MR RONAK RAVAL, APP for the Opponent(s)/Respondent(s) No. 1

RULE SERVED for the Opponent(s)/Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

and

HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 13/04/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE ILESH J. VORA)

1. Rule. Learned APP waives service of Rule on behalf of respondent State. By consent, Rule is fixed forthwith.
2. We have heard Mr.Yash Dave, learned advocate and Mr.Ronak Raval, learned APP for the respective parties.
3. By way of this application under Section 430 of Bharatiya Nagrik Suraksha Sanhita, 2023, the applicant - Anilji Khodaji Thakor, seeks suspension of sentence awarded to him by the Sessions Court concerned for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Sections 5(L) and 6 of POCSO.

4. The present appeal and the application for suspension of sentence arise from the judgment dated 18.02.2026 and order of sentence passed in Special POCSO Case No. 15 of 2024, whereby, the applicant herein was convicted and sentenced as under:

Section	Imprisonment	Fine	In default
S.363 and 366 of IPC	R.I. for 3 years	Rs.5,000/-	Imprisonment for 1 month
S.5(L) and 6 of POCSO	R.I. for 20 years	Rs.50,000/-	Imprisonment for 3 months
S.376 of IPC	No separate sentence being awarded.		

5. Facts and circumstances giving rise to file present application are that the minor victim aged about 17 years and 5 months was in relation with the applicant accused, as a result, they stayed together from 29.02.2024 to 03.03.2024 and maintained intimate relationship. On the basis of the FIR and chargesheet, the accused was tried and prosecuted. The Trial Court at the end found guilty the accused for the offences as referred above.
6. Learned advocate Mr.Yash Dave, appearing on behalf of the applicant while praying for suspension of sentence contended that, the applicant was throughout on bail and the age of the victim is more than 17 years and case being a love affair, the prayer

as prayed may be considered.

7. On the other hand, Mr. Ronak Raval, learned Additional Public Prosecutor has supported the impugned judgment and order of conviction as passed by the trial Court and contended that the victim was minor and the relationship as claimed cannot be considered at this stage.
8. Having regard to the facts and circumstances of the case, the issue arises as to whether the applicant has made out a case for suspension of sentence?
9. We have carefully examined the case records and considered the submissions made at the bar. It is admitted facts that for about 5 to 6 days the victim and accused remained together as they were in relations. It is relevant to note that in 164 statement, the victim had disclosed that the family members intend to engage her with someone and that is why, she was in the company of the accused. The accused was throughout on bail. In such circumstances, having regard to the delay aspect in adjudication of the appeal and nature of relation, we are persuaded to exercise our discretion in favour of the applicant convict for the purpose of substantive order of sentence.

10. Accordingly, present application is allowed. Rule is made absolute to aforesaid extent. The sentence of the applicant awarded vide judgment dated 18.02.2026 by the learned Special Judge (POCSO), Patan in Special POCSO Case No. 15 of 2024 is suspended during the pendency of the Criminal Appeal and the applicant shall be released on bail on his furnishing a personal bond of Rs.10,000/- with one surety of the like amount to the satisfaction of the trial Court subject to condition that he will not leave India without prior permission of this Court and shall appear before this court as and when appeal is taken for final hearing and shall not change his address and in case of change in address, shall inform to the concerned police station as well as to this Court. Direct service permitted.

(ILESH J. VORA, J)

(R. T. VACHHANI, J)

Rakesh