

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 633 of 2026
With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE)
NO. 1 of 2026
In
R/CRIMINAL APPEAL NO. 633 of 2026

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ANJALIBEN D/O. HARESHBHAI MOTISINH CHANDUVANSHI & ORS.

Versus
STATE OF GUJARAT

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Appearance:

MR. DIPAKKUMAR D PRAJAPATI(9318) for the Appellant(s) No. 1,2,3
MS CM SHAH, APP for the Opponent(s)/Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 27/03/2026

ORAL ORDER**ORDER IN CRIMINAL APPEAL :**

Admit. Learned APP waives service of notice of admission for the respondent no.1 – State.

ORDER IN CRIMINAL MISC. APPLICATION :

1. Rule. Learned APP waives service of notice of rule for the respondent – State.

2. By way of present application under Section 430 of the BNSS, 2023, the applicants - accused are seeking suspension

of sentence and release on regular bail during pendency of the present appeal against the judgment and order passed by the learned Sessions Judge, District & Sessions Court, Junagadh in Sessions Case No. 88 of 2023 on 31.01.2026, whereby, the applicant no.1 – original accused no.2 was sentenced to simple imprisonment of 06 months and fine of Rs.5,000/-, and in default, simple imprisonment of 02 months for the offence punishable under Sections 498-A r/w. 114 of the IPC and the present applicant no.2 - original accused no.3 was sentenced to simple imprisonment of 03 years and fine of Rs.10,000/-, and in default, simple imprisonment of 02 months for the offence punishable under Sections 498-A r/w. 114 of the IPC.

3. Learned advocate Mr.Dipakkumar D. Prajapati for the applicants submits that, after the judgment and order of conviction, the applicant no.1 had preferred an application at Exh.88 for suspension of sentence to enable her to file an appeal. The learned Trial Court allowed the said application and suspended the sentence and the applicant preferred the appeal within stipulated period and the present application for suspension of execution of sentence. The applicant no.2 did not

prefer any application before the learned Trial Court and is in custody since then. Learned advocate further submits that The sentence qua the applicant no.1 – original accused no.2 is for a fixed period six months and the sentence qua the applicant no.2 – original accused no.3 is for a fixed period of three years. Learned advocate further submits that the present appeal is not likely to be heard in the near future and its hearing would take considerable time; therefore, no useful purpose would be served by keeping the applicants in jail for an indefinite period with hardened criminals. The applicants have a good case on merits, and hence, the execution of the sentence may be suspended and the applicants may be released on regular bail on appropriate terms and conditions.

4. 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 Sessions Judge; however, consider the quantum of sentence, necessary orders may be passed.

5. At this juncture, it would also be fit to refer to the judgment of the Apex Court in the case **Bhagwan Rama Shinde Gosai Vs. State of Gujarat** reported in (1999) 4 SCC 421, wherein, it has been held that when the sentence is for a fixed period, the appellate Court finds that due to practical reasons such appeal cannot be disposed of expeditiously the appellate Court must be bestow special concern in the matters of suspending the sentence and this court is of the opinion that the application requires consideration and accordingly, is allowed. The execution of the sentence in the judgment and order passed by the learned Sessions Judge, Junagadh in Sessions Case No. 88 of 2023 on 31.01.2026 is suspended during pendency of the criminal appeal and the applicants are ordered to be released on bail on furnishing personal bond of Rs.10,000/- (Rupees Ten Thousand Only) each with one 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 their 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.
- (vi) the applicant no.2 shall deposit the amount of fine, if not deposited, before his release and the applicant no.1 shall deposit the amount of fine within four weeks from the date of this order.

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

F.S. KAZI

(S. V. PINTO,J)