

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 620 of 2026
With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2026
In R/CRIMINAL APPEAL NO. 620 of 2026

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CHANDRASHEKHAR RAMNIKLAL MOTANI
Versus
STATE OF GUJARAT

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Appearance:
NISHITH P ACHARYA(9308) for the Appellant(s) No. 1
MS. C.M. 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 admission for and on behalf of the respondent State.

ORDER IN CRIMINAL MISC. APPLICATION:

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

2. By way of the present application under Section 430 of the Bharatiya Nagarik Surakhsha Sanhita, 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 dated 26.02.2026 passed in Special (ACB) Case No. 3/2017 by the learned Special (ACB) Judge, Jamnagar, whereby, the present applicant - accused was sentenced to rigorous imprisonment of six months and fine of Rs. 5000/- and in default, simple imprisonment of two months for the offence punishable under Sections 7 of the PC Act and rigorous imprisonment of one year and fine of Rs. 5000/- and in default, simple imprisonment of two months for the offence punishable under Sections 13(1)(d) read with Section 13(2) of the PC Act. Both the sentences were ordered to run concurrently.

3. Heard learned advocate Mr. Nishith Acharya for the applicant and learned APP Ms. C.M. Shah for the respondent State.

4. Learned Advocate Mr. Nishith Acharya for the applicant submits that after the judgment and order of sentence, the applicant had preferred an application for suspension of sentence at Exh. 114 and the sentence was suspended for the appeal period by an order dated 26.02.2026. Learned

advocate further submits that the present 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 applicant in jail for indefinite period with hardened criminals. The applicant has a good case on merits and hence, the application may be allowed and the applicant be enlarged on bail pending hearing and final disposal of the captioned Criminal Appeal.

5. Learned APP Ms. C.M. Shah for the respondent – State has strongly objected to the submissions made by the learned advocate for the applicant and has submitted that the applicant has been convicted a very serious offence and hence, has urged this Court to reject the present application.

6. 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 appellants have been sentenced for a fixed period and when the appellate Court finds that due to practical reasons such

appeal cannot be disposed of expeditiously the appellate Court must bestow special concern in the matters of suspending the sentence. 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 sentence dated 26.02.2026 passed in Special (ACB) Case No. 3/2017 by the learned Special (ACB) Judge, Jamnagar is suspended during pendency of the Criminal 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 that the applicant;

- (i) shall not take undue advantage of liberty or misuse liberty;
- (ii) shall furnish the present address of his 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 from the date of this order;
- (vi) the applicant shall be released if not required

in any other case.

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

VASIM S. SAIYED

(S. V. PINTO,J)