

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 586 of 2026
With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2026
In R/CRIMINAL APPEAL NO. 586 of 2026

=====

THAKOR MEHULJI MAFAJI BHIKHAJI

Versus
STATE OF GUJARAT & ANR.

=====

Appearance:

MR. YOGENDRA THAKORE(3975) for the Appellant(s) No. 1

MR JV PADHIYAR for complainant

MS MEGHA CHITALIYA APP for the Respondent No. 1

=====

CORAM: HONOURABLE MR. JUSTICE ILESH J. VORA

and

HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 23/03/2026

ORAL ORDER

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

Order in Criminal Appeal:

ADMIT. Learned APP waives service of notice of admission on behalf of respondent State.

Order in Cr.M.A:

1. Rule. Learned APP waives service of Rule on behalf of respondent State. By consent, Rule is fixed forthwith.
2. By way of this application under Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023, applicant, seeks suspension of sentence awarded to him by the

Sessions Court concerned for the offence punishable under Sections 137(2) & 87 of BNS and Sections 4 (2) & 6 of Protection of Children From Sexual Offences Act.

3. The present appeal and the application for suspension of sentence arise from the judgment dated 12.02.2026 and order of sentence passed in Special POCSO Case No. 49 of 2025, whereby, the applicant herein was convicted and sentenced as under:

Section	Imprisonment	Fine	In default
137(2) & 87 of BNS	RI for 7 yrs	5000	SI for 3 months
S.4(2)of POCSO Act	RI for 20 yrs	5000	SI for 1 yr
S.6 of POCSO Act	RI for 20 yrs	10000	SI for 1 yr

4. Facts and circumstances giving rise to file present application are that the minor victim and accused being resident of same village, fell into love, as a result, they stayed together from 19.06.2025 to 25.06.2025. On account of complaint with respect to kidnapping and sexual abuse, the accused was put on trial and at the end, he found guilty by the trial Court.

5. Learned advocate Mr. Yogendra Thakore, appearing on behalf of the applicant while praying for suspension of sentence contended that, the incarceration period is 9 to 10 months and till date, there are no possibility of early hearing of the appeal and considering the merits in the appeal, the prayer may be considered.
6. Mr. J. V. Padhiyar, learned advocate appears and states that he has instructions to appear for and on behalf of original complainant and he will file his vakalatnama in due course before the Registry. Learned advocate for the complainant has placed on record the affidavit filed by original complainant submitted that the court may pass appropriate order.
7. On the other hand, Ms. Megha Chitaliya, learned Additional Public Prosecutor has supported the impugned judgment and order of conviction as passed by the trial Court and contended that the accused has been convicted by the court and as such, there is sufficient evidence led by the prosecution and same was being examined by the trial Court, therefore, it is prayed that there is no merits in the application.

8. 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. This is a case of love affair and prior to the FIR, the parties had been in relations. In such circumstances, considering the nature of relations and subsequent development as referred in the affidavit of the complainant, we are persuaded to exercise our discretion in favour of the applicant convict for the purpose of suspension of sentence and grant of bail.
10. Accordingly, present application is **allowed**. Rule is made absolute to aforesaid extent. The sentence of the applicant awarded vide judgment dated 12.02.2026 by the learned Special (POCSO) Judge, Mehsana in Special (POCSO) Case No. 49 of 2025 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)

P.S. JOSHI

(R. T. VACHHANI, J)