

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 1100 of 2026
With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2026
In R/CRIMINAL APPEAL NO. 1100 of 2026

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MEHUL @ MAHESH BABAR RAMBHAI BHATTI
Versus
STATE OF GUJARAT

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Appearance:

MR MIHIRKUMAR V PATEL(10112) for the Appellant(s) No. 1
MS NANDITA A SUROLLIA(12060) 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 : 08/05/2026

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 passed by the learned Sessions Judge, Surat in Sessions Case No. 545/2018 dated 28.05.2024, whereby, the present applicant - accused was sentenced to the following term:

Offence u/s	Sentence	In default of payment
452 of IPC	Rigorous imprisonment for 3 years and fine of Rs. 5000/-	Simple imprisonment for 15 days
506(2) of IPC	Rigorous imprisonment for 3 years and fine of Rs. 3000/-	Simple imprisonment for 10 days

Both the sentences were ordered to run concurrently.

3. Heard learned advocate Mr. Mihirkumar Patel for the applicant and learned APP Mr. C.M. Shah for the respondent State.

4. Learned Advocate Mr. Mihirkumar Patel for the applicant submits that the conviction and sentence is essentially under Sections 452 and 506(2) of IPC. Learned advocate for the applicant submits that the impugned judgement and order is erroneous and as such, there is no evidence against the present applicant. It is submitted that the execution of sentence qua the co-accused Raju @ Rajan

Nanubhai Khatana was suspended by an order of this Court dated 11.02.2025 and the execution of sentence qua the co-accused Jayanti @ bhuro Gobarbhai Bagda was suspended by an order of this Court dated 16.03.2026. 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 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 applicant as he has been involved in a very serious offence, however, considering that the execution of sentence qua the other co-accused have been suspended, necessary orders may be passed in the interest of justice.

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, as the appeal is filed within time, this Court is of the opinion that the application requires consideration and accordingly, is allowed.

7. The order of execution of sentence passed by the learned Sessions Judge, Surat in Sessions Case No. 545/2018 dated 28.05.2024 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 amount of fine, if not deposited, within a period of 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)