

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 844 of 2026****With****CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2026****In R/CRIMINAL APPEAL NO. 844 of 2026**

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GAUTAM KANJIBHAI VEKARIYA**Versus****CENTRAL BUREAU OF INVESTIGATION & ANR.**

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Appearance:**MR. ARSH R SHAIKH(6726) for the Appellant(s) No. 1****MR. RZ SHAIKH(6888) for the Appellant(s) No. 1****MR RC KODEKAR(1395) for the Opponent(s)/Respondent(s) No. 1****MR. ADITYA JADEJA, APP for the Opponent(s)/Respondent(s) No. 2**

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO**Date : 21/04/2026****ORAL ORDER****ORDER IN CRIMINAL APPEAL:-**

Admit. Learned Special PP Mr. R.C. Kodekar waives service of admission for and on behalf of the respondent No.1 and learned APP Ms. C.M. Shah waives service of admission for and on behalf of the respondent No.2.

ORDER IN CRIMINAL MISC. APPLICATION:-

1 Rule. Learned Special PP Mr. R.C. Kodekar waives service of rule for and on behalf of the respondent No.1 and learned APP Ms. C.M. Shah waives service of rule for and on behalf of the respondent No.2.

2. By way of the present application under Section 415 of the Bharatiya Nagarik Surakhsha Sanhita, 2023, the applicant - original accused No.4 is seeking suspension of sentence and release on regular bail during pendency of the present appeal against the judgment and order passed in CBI Special Criminal Case No.08 of 2023 by the learned Special Judge (I/C CBI Court No.6), City Civil & Sessions Court, Ahmedabad on 27.03.2026, whereby, the present applicant - accused was sentenced to rigorous imprisonment for 03 years and fine of Rs. 15,00,000/- and in default, simple imprisonment for 06 months for the offence punishable under Sections 120(B), 420 and 471 of the Indian Penal Code.

3. Heard learned advocate Mr. Arsh R. Shaikh for the applicant - original accused No.4, learned Special PP Mr. R.C. Kodekar for the respondent No.1 and learned APP Mr. Aditya Jadeja for the respondent No.2.

4. Learned Advocate Mr. Arsh R. Shaikh for the applicant submits that the applicant submits that the applicant has been sentenced to a fixed period of 03 years and by judgment and order dated 27.03.2026, and pursuant to the judgment and

order of conviction, the applicant had filed an application at Exh.168 for suspension of sentence under Section 415 of the B.N.S.S. The learned Trial Court was pleased to allow the application and suspend the execution of the sentence for period of 30 days and release the applicant on bail. The applicant has filed the appeal within the period of limitation and the applicant has been protected till today. Learned advocate further submits that the applicant has paid the amount of fine vide Receipt No.200 dated 27.03.2026. Moreover, the 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 Special PP Mr. R.C. Kodekar for the respondent No.1 and learned APP for the respondent No.2 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, necessary orders may be passed in the interest of justice.

6. On perusal of the impugned judgment and order passed by the learned Trial Court below Exh.168, it appears that the execution of order of sentence of the applicant has been suspended and the order has been continued till today. Moreover, on perusal of the impugned judgment and order, it appears that the arguments of the learned advocate for the applicant deserves consideration.

7. 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 appellant has 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. Accordingly, present application is allowed. The order of execution of sentence passed in CBI

Special Criminal Case No.08 of 2023 by the learned Special Judge (I/C CBI Court No.6), City Civil & Sessions Court, Ahmedabad on 27.03.2026, 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;

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

ROHAN SONI

(S. V. PINTO,J)