

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 1082 of 2026****With****CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2026****In R/CRIMINAL APPEAL NO. 1082 of 2026**=====
KANUJI GOTAJI THAKOR & ORS.**Versus****STATE OF GUJARAT**
=====**Appearance:****MR PARTH R KIKANI(10767) for the Appellant(s) No. 1,2,3,4,5****MS. C.M. SHAH, APP for the Opponent(s)/Respondent(s) No. 1**
=====**CORAM:HONOURABLE MS. JUSTICE S.V. PINTO****Date : 07/05/2026****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 415 of the Bharatiya Nagarik Surakhsha Sanhita, 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 in Sessions Case No. 14/2021 by the learned Additional District & Sessions Judge, Ahmedabad (Rural) at Dholka on 22.04.2026, whereby, the present applicants - accused were sentenced to for six months and fine of Rs.1000/- each, and in default, simple imprisonment of one & half months for the offence under Section 143 of the IPC read with Section 149 of the IPC, for two years and fine of Rs.2000/- each, and in default, simple imprisonment of six months for the offence under Section 147 of the IPC read with Section 149 of the IPC, for two years and fine of Rs.2000/- each, and in default, simple imprisonment of six months for the offence under Section 148 of the IPC read with Section 149 of the IPC, for one year and fine of Rs.1000/- each, and in default, simple imprisonment of three months for the offence under Section 323 of the IPC read with Section 149 of the IPC, for two years and fine of Rs.2000/- each, and in default, simple imprisonment of nine months for the offence under Section 324 of the IPC read with Section 149 of the IPC, for three years and fine of Rs.3000/- each, and in default, simple imprisonment of one year and five months for the offence under Section 325 of the IPC read with Section 149 of the IPC and for six months and fine of Rs.1000/- each, and in

default, simple imprisonment of one and half months for the offence under Section 135 of the G.P. Act. The learned Trial Court was pleased to order that all the sentences shall run concurrently.

3. Heard learned advocate Mr. Parth R. Kikani for the applicants and learned APP Ms. C.M. Shah for the respondent State.

4. Learned Advocate Mr. Parth R. Kikani for the applicants submits that the applicants have been sentenced for a maximum period of three years by a judgment and order dated 22.04.2026, and pursuant to the judgment and order of conviction, the applicants had filed an application for suspension of sentence under Section 415 of the B.N.S.S. and the learned Trial Court was pleased to allow the application and suspend the order of execution of sentence and release the applicants on bail till 22.05.2026. The applicants have filed the appeal within the period of limitation and the applicants have been protected till today. Learned advocate submits that the applicants have been sentenced for a fixed period and 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 applicants in jail for indefinite period with hardened criminals. The applicants have a good case on merits and hence, the application may be allowed and the applicants 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 applicants and has submitted that the learned Trial Court has rightly convicted the present applicants as they have been involved in a very serious offence, however, looking to the quantum of sentence, 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 dated 22.04.2026, it appears that the execution of order of sentence of the applicants 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 applicants 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 Sessions Case No. 39/2021 by the learned Sessions Judge, Mehsana on 23.12.2025 **Sessions Case No. 14/2021 by the learned Additional District & Sessions Judge, Ahmedabad (Rural) at Dholka on 22.04.2026**, is suspended during pendency of the Criminal Appeal and the applicants are ordered to be released on bail on furnishing personal bond of Rs. 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 applicants;

- (i) shall not take undue advantage of liberty or misuse liberty;

- (ii) shall furnish the present address of their 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;

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)