

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 3225 of 2025
With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF
SENTENCE) NO. 1 of 2025
In R/CRIMINAL APPEAL NO. 3225 of 2025

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RANJIT @ ANSHUKUMAR JITENDRAKUMAR @ SIKANDARSINGH
GUJJAR
 Versus
STATE OF GUJARAT & ANR.

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Appearance:

MS BHAKTI M JOSHI(3820) for the Appellant(s) No. 1
 NOTICE SERVED for the Opponent(s)/Respondent(s) No. 2
 NOTICE THROUGH SPEED POST NOT RECEIVED BACK for the
 Opponent(s)/Respondent(s) No. 2
 MR. ADITYA JADEJA, APP for the Opponent(s)/Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 24/03/2026
ORAL ORDER

ORDER IN CRIMINAL APPEAL

ADMIT. Learned Additional Public Prosecutor appears and waives service of notice of admission 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, the appellant is seeking suspension of sentence and release on regular bail during pendency of the appeal against the judgment and order of

conviction dated **03-06-2021** passed in **Special (POCSO) Case No. 200 of 2019** by the **learned Special (POCSO) Judge & Additional Session Judge, Surat**, whereby, the applicant was sentenced to rigorous imprisonment of seven (07) years and fine of Rs.1,000/- and in default, imprisonment of one (01) year for the offence punishable under Section 363 of the IPC, rigorous imprisonment of ten (10) years and fine of Rs.1,000/- and in default, imprisonment of one (01) year for the offence punishable under Section 366 of the IPC, rigorous imprisonment of seven (07) years and fine of Rs.1,000/- and in default, imprisonment of one (01) year for the offence punishable under Section 506(2) of the IPC and rigorous imprisonment of ten (10) years and fine of Rs.5,000/- and in default, imprisonment of two (02) years for the offence punishable under Section 376(2)(j)(n) of the IPC. All the sentences were ordered to run concurrently.

3) Learned advocate Ms. Bhakti Joshi for the applicant submits that the applicant has been sentenced for a fixed period of ten (10) years and the applicant has already completed more than half of the awarded sentence i.e. substantial period of 06 years 06 months 07 days in jail. In support of his submission, learned advocate for the applicant has placed reliance upon the decision of the Hon'ble

Apex Court in cases of **Saudan Singh Vs. State of Chhatisgarh** passed in **Special Leave to Appeal (Crl) No. 4633 of 2021** and **Bhagwan Rama Shinde Gosai Vs. State of Gujarat** reported in **(1999) 4 SCC 421** and it was requested to enlarge the applicant on bail pending the hearing and final disposal of the captioned Criminal Appeal.

4) Learned APP Mr. Aditya Jadeja appearing for the respondent – State has objected the present application to grant the suspension of sentence and has submitted that the jail remarks, which are taken on record, shows that the applicant has undergone sentence of 06 years 06 months 07 days, however, he has submitted that appropriate order may be passed.

5) Heard learned advocates for the respective parties and perused the documents produced on record. Without entering into the merits of the case, this Court is of the opinion that since the applicant – accused has already undergone more than half of the awarded sentence i.e. substantial period of 06 years 06 months 07 days and since hearing of the appeal may take further time and in view of direction given by the Apex Court in the case of **Saudan Singh Vs. State of Uttar Pradesh** reported in **2021 SCC**

Online SC 3259, wherein, it has been held that the convict is in custody in cases other than life sentence cases and in those cases again the broad parameter of 50% of the actual sentence undergone can be the basis for grant of bail. 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 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. So as to make the appeal right meaningful and effective. In light of the aforesaid facts that as the appellant has already undergone sufficient time behind the bars and hearing of the appeal is likely to take sometime further, the judicial custody of the appellant would be the violation of Article 21 of the Constitution of India.

6) Accordingly, present application is allowed. The order of execution of sentence passed in **Special (POCSO) Case No. 200 of 2019** by the **learned Special (POCSO) Judge & Additional Session Judge, Surat** on **03-06-2021** is suspended during pendency of the appeal and the applicant is

ordered to be released on bail on furnishing personal bond of Rs.10,000/- (Rupees Ten Five Thousand Only) with surety of the like amount to the satisfaction of the learned Trial Court and on the following conditions:

- (i) *shall not take undue advantage of liberty or misuse liberty;*
- (ii) *shall not leave India without prior permission of this Court;*
- (iii) *shall furnish the present address of his residence to the Court concerned at the time of execution of the bond and shall not change the residence without the prior permission of this Court;*
- (iv) *shall maintain law and order;*
- (v) *shall not indulge in any activity leading to breach of public peace and tranquility;*
- (vi) *shall deposit the amount of fine, if not deposited, before learned Trial Court before his release;*
- (vii) *shall be released, if not require, in any other case.*

7) In view of the above, the present application stands disposed of. Direct service is permitted.

VISHAL MISHRA

(S. V. PINTO,J)