

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO.359 OF 2019  
IN  
CRIMINAL REVISION APPLICATION NO. 341 OF 2019

Mr. R. Krishnamoorthy

... Petitioner.

***Versus***

The State of Maharashtra

... Respondent.

. . . . .

Mr. Nitin Sejpal a/w Smt. Pooja Sejpal, for Applicant.

Mr. R. M. Pethe, APP for Respondent-State.

. . . . .

**CORAM : A. S. GADKARI, J.**

**DATE : 15<sup>TH</sup> JULY, 2019**

**P. C. :**

1. This is an application for suspension of sentence and for releasing the applicant on bail.

2. The applicant has been convicted for contravention of Section 18(a)(i) read with Section 16(1) of the Drugs and Cosmetics Act punishable under Section 27(d) of the said Act and sentenced to suffer simple imprisonment for one month and to pay fine of Rs. 5,000/- (Five Thousand Only) and in default of payment to fine to further suffer simple imprisonment for 15 days, by the learned Chief Judicial Magistrate, Raigad-Alibaug in Summary Cri. Case No. 1066 of 2007 by the Judgment and order dated 19.03.2012.

3. The Criminal Appeal No. 49 of 2012 preferred by the applicant has been dismissed by the learned Additional Sessions Judge, Raigad-Alibaug by its Judgment and order dated 13.06.2019. The Appellate Court by its impugned judgment and order dated 13.06.2019 has directed the applicant to surrender before the trial Court on or before 15<sup>th</sup> July 2019 i.e. today.

4. Mr. Nitin Sejpal, learned counsel appearing for applicant submitted that, the applicant is ready to deposit fine amount in the Registry of Trial Court. He further submitted that, the applicant has already undergone two days of actual imprisonment during the pendency of trial.

5. As the sentence imposed upon the applicant is a short term sentence and the possibility of present revision being heard on its own merits in the near future is remote, I am inclined to suspend this sentence imposed upon the applicant and release him on bail.

6. Hence the following order :-

(i) During the pendency of the present Revision, the substantive sentence imposed upon the applicant is suspended.

(ii) During the pendency of the Revision application, the applicant be released on bail on his furnishing PR bond in the sum of Rs.10,000/- with one or two local sureties in the like amount.

(iii) The procedure for the bail be completed before the Trial Court.

7. Application is allowed in the aforesaid terms.

8. All the concerned to act on authenticated copy of this Order.

**(A. S. GADKARI, J.)**