

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2828 OF 2025
IN
CRIMINAL APPEAL NO.771 OF 2025**

Kailash Pandharinath Thakre ... Applicant
V/s.
State of Maharashtra ... Respondent

Ms. Lisa Das i/by Jay & Co. for the Applicant.
Ms. R. D. Humane. APP for the Respondent-State.

**CORAM : N.R. BORKAR, J.
DATE : 29TH SEPTEMBER 2025**

P.C. :

1. By this Application, the Applicant is seeking suspension of sentence and grant of bail during pendency of the above Appeal filed by him against the judgment and order dated 26th June 2025 passed by the Additional Sessions Judge, Nashik in Sessions Case No.382 of 2023, by which the Learned Additional Sessions Judge has convicted the Applicant for the offence punishable under Section 27(b)(ii) of the Drugs and Cosmetics Act, 1940 and sentenced him to suffer simple imprisonment for three years.

2. I have heard Learned Counsel for the Applicant and Learned APP for the Respondent-State.

3. Leaned Counsel for the Applicant submits that the Applicant has good case on merit. It is submitted that during the trial, the Applicant was

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on bail. It is further submitted that this Court has already admitted the Appeal filed by the Applicant. It is submitted that considering the pendency of criminal appeals, the Appeal filed by the Applicant is not likely to be taken up for final hearing in near future. It is thus submitted that the sentence imposed by the trial Court may be suspended and the Applicant be released on bail.

4. On the other hand, Learned APP for the Respondent-State submits that the Applicant is convicted for the serious offence under the Drugs and Cosmetics Act, 1940 and considering the nature of conviction, the sentence may not be suspended and the Applicant may not be released on bail.

5. This Court has already admitted the Appeal filed by the Applicant. Considering the pendency of the criminal appeals, the Appeal filed by the Applicant is not likely to be taken up for final hearing in near future. In that view of the matter, I am inclined to suspend the sentence and release the Applicant on bail. In the result, the following order is passed:

ORDER

- i. The Interim Application is allowed.
- ii. The substantive sentence imposed by the trial Court upon the Applicant by the judgment and order dated 26th June 2025 in Sessions Case No.382 of 2023 is hereby suspended during pendency of the Appeal.

iii. The Applicant shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

6. The Interim Application is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)