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Crl.M.P.No.11862 of 2026 in Crl.R.C.No.1406 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2026

CORAM:

THE HON'BLE MR.JUSTICE G.K. ILANTHIRAIYAN

**Crl.M.P.No.11862 of 2026
in Crl.R.C.No.1406 of 2026**

1. Nithesh Kumar
2. Pradeep Kumar

.... Petitioners

Vs

The State Rep. By,
The Additional Superintendent of Police,
CBI, SCB, Chennai.
(In RC.No.6/S/2016/CBI/SCB/Chennai)

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence passed against the petitioners in C.C.No.48 of 2017 dated 10.01.2024 by the Learned Additional Chief Metropolitan Magistrate, Egmore, Chennai and subsequent Judgment made by the Learned Principal Sessions Judge in Crl.A.No.98 of 2025 by its order dated 26.03.2026 by confirming the conviction and sentence of the Trial Court and enlarge the petitioners on bail pending disposal of the accompanying Criminal Revision Petition.

For Petitioners : Mr. P. Nagaraju

For Respondent : Mr. K. Srinivasan,
Special Public Prosecutor for CBI



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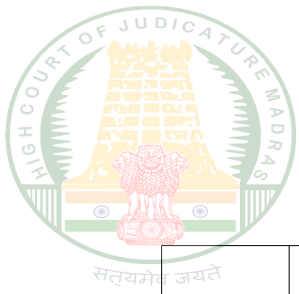
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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of sentence imposed on them by the learned Principal Sessions Judge in Crl.A.No.98 of 2025, dated 26.03.2026, confirming the Judgment dated 10.01.2024 passed in C.C.No.48 of 2017 by the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai and enlarge the petitioners on bail pending disposal of the above Criminal Revision.

2. The petitioners herein are the accused in C.C No. 48 of 2017 on the file of the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai. The petitioners/ accused were convicted and sentenced as under:

S.No.	Petitioner/ Accused	Conviction	Sentence
1	First Petitioner/ A1	Sections 120B r/w. 420 and 420 of IPC	to undergo rigorous imprisonment for a period of two (2) years and to pay fine of Rs.1,500/- for each offences, in default to undergo simple imprisonment for six (6) months.



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2	Second Petitioner/ A2	Sections 120B r/w. 420 and 420 of IPC	to undergo rigorous imprisonment for a period of two (2) years and to pay fine of Rs.1,500/- for each offences, in default to undergo simple imprisonment for six (6) months.
		Section 419 of IPC	to undergo rigorous imprisonment for a period of two (2) years.

3. Aggrieved by the same, the petitioners had filed appeal in Crl.A.No.98 of 2025 and the learned Principal Sessions Judge, by order dated 26.03.2026, had dismissed the appeal and confirmed the conviction and sentence imposed by the Trial Court, against which the present revision has been filed.

4. The learned counsel for the petitioners/ accused would submit that there are arguable points available in the Criminal Revision Case and the petitioners/ accused have got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioners/ accused may be suspended. Further it is his specific submission that the petitioners were enlarged on bail during the time of pendency of the appeal before the first appellate Court. He would submit that the petitioners are now in prison and they are ready to abide the conditions imposed by this Court.



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5. Per contra, the learned Special Public Prosecutor appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the Trial Court.

6. Heard the learned counsel appearing on either side and also perused the materials placed on record.

7. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioners, also by considering the submissions of the learned counsel for the petitioners and the learned Special Public Prosecutor appearing for the respondent, further this criminal revision is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:



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(a) The petitioners/ accused are ordered to be released on bail, on their executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two blood sureties** each for a like sum to the satisfaction of the learned Additional Chief Metropolitan Magistrate at Egmore, Chennai.

(b) The petitioners/ accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders.

8. With the above directions, this Criminal Miscellaneous Petitions is ordered.

30.07.2026
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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G.K. ILANTHIRAIYAN, J.

stn

To

1. The Principal Sessions Judge, Chennai.
2. The Additional Chief Metropolitan Magistrate at Egmore, Chennai.
3. The Additional Superintendent of Police,
CBI, SCB, Chennai.
(In RC.No.6/S/2016/CBI/SCB/Chennai)
4. The Special Public Prosecutor,
High Court, Madras.
5. The Superintendent,
Central Prison, Puzhal.

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