



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Eighth day of August Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.7864 of 2022

IN

CRL OP(MD) No.8765 of 2022

RAHAMATHULLAH

... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
TALLAKULAM POLICE STATION,
MADURAI CITY.
(IN CRIME NO.223 OF 2022).

... RESPONDENT/COMPLIANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify the condition as to publication of apology in Times of India, English Daily and Daily Thanthi, Tamil Daily imposed by this Hon'ble Court in Crl.OP(MD)No.8765 of 2022 in Paragraph No.11 dt.06/05/2022.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.JINNAH S M A, Advocate for the petitioner and of MR.B.THANGA ARAVINDH, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

This petition has been filed to modify the condition imposed on the petitioner in Crl.O.P.(MD)No.8765 of 2022, on 06.05.2022.

2.The facts in brief is as follows:- The petitioner is arrayed as accused in Crime No.223 of 2022 and facing charges under Section 153(A), 505(1)(b), 505(1)(c), 505(2), 506(i) and 109 IPC. He was arrested and remanded to custody on 20.01.2022. He moved a bail application before this Court in Crl.O.P(MD)No.8765 of 2022 and that was allowed by this Court, with a condition that admission of guilt and the apology tendered by the petitioner is made public by him, the intensity of the situation created by him, could be alleviated. With the above said observations, the petitioner is directed to publish public apology in one English Daily having national circulation, namely, The Times of India, as well as in one Tamil Daily, namely, Daily Thanthi. The publications referred herein, shall not be less than a quarter page of the two newspapers referred above. He must also upload the apology in social media.



3. Seeking modification of the said conditions, this petition has been filed on the ground that it is onerous in nature and this petitioner is only a hawker in the street, selling Biryani and running poor man's life. He is not in a position to comply the condition, since as per the quotation furnished by Daily Thanthi and Times of India, the total amount exceeds Rs.1 lakh. The quotation prescribed by Daily Thanthi is Rs.72,000/- with 15% GST and in Times of India it is Rs.44,000/- with 5% GST. The learned counsel for the petitioner on the ground would submit that unable to comply the condition, because of his poor financial situation.

4. Considering the gravity of offence, the above said condition was imposed by this Court. But at the same time, the poor condition of the petitioner was not brought to the notice of the Court at the time of passing order. The respondent Police also appeared before this Court and submitted that the petitioner is doing Biryani vending in a street. Therefore, the submission made by the learned counsel for the petitioner is true.

5. In view of the undertaking affidavit filed by the petitioner at the time of moving the bail application, the condition imposed upon the petitioner is modified and the petitioner has to comply the other conditions. If any violation is noticed, the bail already granted shall stand cancelled automatically and the first respondent is at liberty to secure the petitioner and commit him to prison.

6. With the above said modification, this Criminal Miscellaneous Petition is **allowed**.

sd/-

08/08/2022

/ TRUE COPY /

09/09/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE, TALLAKULAM POLICE STATION,
MADURAI CITY, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.7864 of 2022

IN CRL OP(MD) No.8765 of 2022

Date :08/08/2022

PNM

RS/VR/SAR.3 (09.09.2022) 2P-5C

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