



CRL MP(MD) No.6059 of 2023

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

Thursday, the Twenty Seventh day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) Nos.6059 & 6576 of 2023

IN

CRL OP(MD) No.10257 of 2022

PALAI RAFI @ MOHAMED RAFI

... PETITIONER/PETITIONER/
ACCUSED RANK NOT KNOWN
IN CRL.MP(MD).6059/2023

... RESPONDENT/PETITIONER
IN CRL.MP(MD).6576/2023

Vs

THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
MELAPALAYAM,
TIRUNELVELI CITY.
CRIME NO.93 OF 2022.

... RESPONDENT/RESPONDENT/
COMPLAINANT
IN CRL.MP(MD).6059/2023

... PETITIONER/RESPONDENT
IN CRL.MP(MD).6576/2023

PRAYER IN CRL.MP(MD).6059/2023:

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order modifying the conditions imposed by this Hon'ble court in his order Para No.11, clause (2) and Para No.13 clause (d) for effecting a publication of apology in English daily namely the Hindu as well as in Tamil daily namely Daily Thanthi both

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having state level circulation and the publication shall not be less than a quarter page of the two newspapers and also prohibit the Petitioner in attending or speaking in any public meeting forthwith made in CrI.OP(MD).10257 of 2022 dated 18.07.2022 on the file of this Hon'ble Court.

Prayer in CRL MP(MD). 6576/ 2023 :

Criminal Miscellaneous Petition To cancel the Anticipatory Bail granted to the Respondent/Petitioner in CrI.OP(MD)No.10257/2022 dt.18/7/2022.

Order : These Criminal Miscellaneous petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.PALANI VELAYUTHAM S, Advocate for the petitioner in CRL.MP(MD). 6059/2023 & for the Respondent in CRL.MP(MD).6576/2023 and of Mr.K.SANJAI GANDHI, Government Advocate on behalf of the Respondent in CRL.MP(MD). 6059/2023 & for the Petitioner in CRL.MP(MD).6576/2023 the court made the following order:-

The petition in CrI.M.P.(MD)No.6059 of 2023 has been filed seeking modification of the conditions imposed by this Court for effecting a publication of apology in English and Tamil Daily having State level circulation and also prohibiting the petitioner in attending or speaking in any public meeting forthwith made in CrI.O.P.(MD)No.10257 of 2022 dated 18.07.2022.

2. The petition in CrI.M.P.(MD)No.6576 of 2023 has been filed under Section 439(2) Cr.P.C. seeking orders to cancel the anticipatory bail granted to the respondent in CrI.O.P.(MD)No.10257 of 2022 dated 18.07.2022 in connection with Crime No.93 of 2022 on the file of Melapalayam Police Station, Tirunelveli City.

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3. The respondent police has registered a case in Crime No.93 of 2022 against the petitioner and others for the alleged offences under Sections 153, 294(b), 504, 505 (i)(c) and 505(ii) IPC for threatening the Judges of High Courts and Supreme Court.

4. It is not in dispute that the petitioner was granted anticipatory bail in CrI.O.P.(MD)No.10257 of 2022, vide order dated 18.07.2022, by imposing certain conditions, which includes, that the petitioner shall produce a copy of publication of apology made in one English Daily, namely, The Hindu and in Tamil Daily, namely, Daily Thanthi both having State level circulation and the publication shall not be less than a quarter page of the two newspapers referred above and that the petitioner shall not participate or address any public meetings whatsoever until the completion of the investigation and filing of the final report in Crime No.93 of 2022 by the respondent police. The petitioner has moved the present application seeking modification of the above two conditions.

5. The learned counsel appearing for the petitioner would submit that when the petitioner approached for effecting publication in the newspapers, he got a quotation that he had to spend more than Rs.44 lakhs in effecting the same and that since his financial position is making obstacles in spending such huge amount, he was forced to file the present application for modification.

6. When the matter was taken up for hearing, the learned counsel appearing for



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the petitioner would submit that he is not pressing the relief of modification with regard to the second condition prohibiting the petitioner in attending or speaking in any public meeting.

7. The learned counsel appearing for the petitioner would further submit that in connected case, another learned Judge of this Court has modified the condition and fully exempted the accused therein for effecting paper publication.

8. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is having sufficient means to effect the paper publication ordered by this Court.

9. As already pointed out, according to the petitioner, causing paper publication for quarter page in English daily having State level circulation would cost more than Rs.40 lakhs.

10. Considering the above facts and circumstances and also the amount required for effecting paper publication, this Court is inclined to modify the condition No.11(2) to the effect that the petitioner shall effect paper publication in Tamil Daily, namely, Daily Thanthi having State level circulation and the publication shall not be less than a quarter page of the newspaper referred above and the other conditions shall stand remained unaltered.

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11. The learned Government Advocate (Criminal Side) appearing for the petitioner would submit that though this Court has granted anticipatory bail by imposing certain conditions, the respondent/accused did not appear or surrender before the jurisdictional Court within the time stipulated by this Court and that since the respondent/accused has committed breach of the condition, they are constrained to file the above application seeking cancellation of anticipatory bail.

12. Since this Court has modified the condition imposed while granting anticipatory bail, the question of cancelling the anticipatory bail does not arise at all.

13. In the result, the petition in CrI.M.P.(MD)No.6576 of 2023 is dismissed. The petition in CrI.M.P.(MD)No.6059 of 2023 is allowed and three weeks time is granted to the petitioner/accused to comply with the conditions imposed by this Court in the order passed in CrI.O.P.(MD)No.10257 of 2022 dated 18.07.2022 from the date of receipt of a copy of this order.

sd/-
27/07/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM
TO
1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI DISTRICT.

<https://www.hmhc.tn.gov.in/judis>



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2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
MELAPALAYAM,
TIRUNELVELI CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL MP(MD) No.6059 of 2023
IN
CRL OP(MD) No.10257 of 2022
Date :27/07/2023

SA/VR/SAR. /07.08.2023/6P/5C

Madurai Bench of Madras High Court is issuing certified
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