



CRL MP(MD) No.3413 of 2024

WEB COPY

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

Wednesday, the Twenty Seventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.3413 of 2024

IN

CRL OP(MD) No.10257 of 2022

PALAI RAFI @ MOHAMED RAFI

... PETITIONER/ PETITIONER/
PETITIONER/ PETITIONER
/ACCUSED RANK NOT KNOWN

Vs

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

... RESPONDENT/ RESPONDENT/
RESPONDENT/ RESPONDENT
/COMPLAINANT

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 condition no.11(2) of the order made in CrI M.P (MD) No. 6059 of 2023 in CrI O.P (MD) No. 10257 of 2022 to the effect that the petitioner shall effect that the shall make paper publication in Makkalkural Tamil Daily News Paper in a quarter page instead of the Tamil Daily namely Daily Thanthi having State Level



CRL MP(MD) No.3413 of 2024

circulation and also comply with other condition as made promptly forthwith.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.PALANIVELAYUTHAM, Advocate for the petitioner and of MR.S.S.MADHAVAN, Government Advocate (Criminal Side) on behalf of the Respondent, the court made the following order:-

The above petition has been filed seeking modification of the condition imposed by this Court in effecting publication of apology in Daily Thanthi Newspaper.

2. It is evident from the records that this Court has 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 the copy of publication of apology made in one English Daily, namely, The Hindu as well as 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 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. Thereafter, the petitioner has filed an application seeking modification of the condition with regard to publication of apology and this Court vide order, dated 27.07.2023 modified the condition No.11(2) to the effect that the petitioner shall effect



CRL MP(MD) No.3413 of 2024

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.

3. The petitioner has thereafter filed another application in Crl.M.P(MD)No.524 of 2024, but the same was ordered to be dismissed as withdrawn. Subsequently, the petitioner has moved the Hon'ble Supreme Court in SLP.No.2672 of 2024 and the Hon'ble Apex Court vide order dated 04.03.2024, by observing that they are not inclined to interfere with the impugned order of the High Court, but left it open to the petitioner to approach the High Court along with Bank account statement and with details of his financial position, dismissed the Special Leave Petition. In pursuance of the same, the present petition came to be filed. The petitioner has produced the copy of the Bank statements.

4. The learned counsel for the petitioner would submit that they have produced the copy of the bank statements, wherein the petitioner is having balance of Rs.2,352.30/- and he has also produced the Advertisement rate details to show that the Daily Thanthi Tamil Nadu and Pandicherry Edition would cost Rs.13,38,120/- for 16x25cm.

5. The learned Government Advocate (Criminal Side) would submit that they are leaving it to the decision of the Court.



CRL MP(MD) No.3413 of 2024

WEB COPY

6. Considering the facts and circumstances of the case and also taking note of the financial condition of the petitioner, this Court is inclined to modify the condition to the effect that the petitioner shall effect paper publication in Tamily Daily, namely, 'Dinakaran' having State level circulation and the publication shall not be less than a quarter page of the newspaper above referred and the other conditions imposed by this Court shall remain unaltered.

7. With the above modification, this Criminal Miscellaneous Petition is allowed. The petitioner shall comply with the direction of this Court in CrI.O.P(MD)No.10257 of 2022, dated 18.07.2022 within a period of three weeks from today.

sd/-
27/03/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS
TO

- 1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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



CRL MP(MD) No.3413 of 2024

WEB COPY

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

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

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-3828[I] dated 27/03/2024)

ORDER
IN
CRL MP(MD) No.3413 of 2024
IN
CRL OP(MD) No.10257 of 2022
Date :27/03/2024

PKP/VR/SAR /28.03.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023