



CRL MP(MD) No.7661 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20-06-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.7661 of 2025

in

CRL OP(MD) No.10257 of 2022

Palai Rabeek @ Mohammed Rafi

Petitioner/
Petitioner/
Petitioner

Vs

State of Tamilnadu rep. by
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.
(Crime No.93 of 2022)

Respondent/
Respondent/
Respondent

For Petitioner : Mr.G.Karuppasamy Pandian
for Mr.B.Poovarasam
For Respondent: Mr.S.Ravi
Additional Public Prosecutor



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This Criminal Miscellaneous Petition filed under Section 528 B.N.S.S. praying to modify the condition Para No.6 in CrI.M.P.(MD)No.3413 of 2024 in CrI.O.P.(MD) No.10257 of 2022 dated 27.03.2024.

ORDER

This petition has been filed seeking modification of the modified condition in CrI.M.P.(MD)No.3413 of 2024 in CrI.M.P.(MD)No.6059 of 2023 in CrI.O.P.(MD) No.10257 of 2022 dated 27.03.2024.

2. The petitioner has originally filed a petition seeking anticipatory bail apprehending arrest at the hands of the respondent police for the offences punishable under Sections 153, 294(b), 504, 505(i)(c) and 505(ii) IPC in Crime No.93 of 2022 on the file of the respondent police and this Court, considering the fact that the main speakers in similar cases were already granted bail and taking note of the undertaking affidavit dated 11.07.2022 filed by the petitioner rendering his unconditional apology, granted anticipatory bail vide order dated 18.07.2022 by imposing conditions. The conditions relevant for the present modification petition are extracted hereunder:-

“(1) the petitioner shall cause a publication of public apology in terms of the affidavit dated 11.07.2022 filed by the petitioner before this Court;

(2) the publication above referred shall be made in one English



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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 referred above;

(3) the petitioner shall also upload a copy of the aforesaid public apology in the social media viz., You Tube, along with his photograph;"

3. Moreover, the petitioner was ordered to be released on bail in the event of his arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of the said order on complying with the conditions imposed, which includes production of the copy of the publication of apology.

4. The petitioner filed successive petitions seeking modification of the condition regarding apology publication. Initially, this Court modified the condition on July 27, 2023, allowing publication in Daily Thanthi. Subsequently, on March 27, 2024, the condition was further modified to permit publication in Dinakaran, a Tamil daily with state-level circulation. Now, the petitioner has filed another petition seeking further modification of this condition.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner challenging the order passed in CrI.M.P.(MD) No.3413 of 2024 preferred a SLP before the Hon'ble Supreme Court in SLP (CrI.) No.5170 of 2024 and the Hon'ble Apex Court dismissed the same vide order dated



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28.08.2024 and he has also produced the copy of the said order. It is necessary to refer the order passed by the Hon'ble Supreme Court hereunder for better appreciation;

“It is a case relating Sections 153, 294(b), 504, 505(i)(c) and 505(ii) of the Indian Penal Code initiated against the petitioner and the other accused persons by the respondent police. The order dated 27.03.2024 passed by the High Court which is presently being challenged by the petitioner before this Court whereas the petitioner and other accused persons have been asked to render an apology and not only that, but after the application/petition was moved by the petitioner, even a choice has been given to the petitioner as regards the newspaper considering the expenses involved.

We see absolutely no reason to interfere with the matter, in exercise of our jurisdiction under Article 136 of the Constitution of India.

The present petition is, accordingly, dismissed along with pending application(s), if any.”

6. It is not in dispute that the petitioner has again moved an application in M.A.No.248 of 2025 in SLP(Crl.)No.5170 of 2024 seeking review of the order dated 28.08.2024 and the Hon'ble Supreme Court, by observing that miscellaneous application is totally misconceived and no change in their order dated 28.08.2024 is required, dismissed the same vide order dated 10.02.2025. As rightly contended by



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the learned Additional Public Prosecutor, in view of the above orders of the Hon'ble Supreme Court, the very filing of the present petition seeking modification again, when the said order came to be confirmed by the Hon'ble Supreme Court twice, is legally unsustainable.

7. When the matter is taken up today, the learned Additional Public Prosecutor appearing for the respondent would submit that the respondent police has arrested the petitioner yesterday who was in Kerala. He would further submit that previously when the petitioner was arrested and produced before the jurisdictional Court on 04.03.2024, the learned Magistrate, by observing that anticipatory bail was not so far cancelled and that anticipatory bail was in force, refused to remand the petitioner.

8. The learned counsel appearing for the petitioner would submit that since anticipatory bail granted by this Court is in force, the arrest of the petitioner is illegal and that the learned Magistrate has rightly rejected the remand requisition earlier. He would further submit that taking note of the financial condition of the petitioner, the condition may be modified directing him to effect paper publication in Hindu Tamil. I find no merits in these contentions.



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9. Anticipatory bail was granted subject to certain conditions. When the conditions were modified on March 27, 2023, and again on March 27, 2024, the petitioner was granted three weeks to comply. However, the petitioner has admittedly failed to comply with these conditions.

10. The petitioner, despite this Court granting anticipatory bail on July 18, 2022, and subsequent modifications, has failed to comply with conditions even after the Hon'ble Supreme Court dismissed the SLP. The current modification petition appears to be motivated by malafide intentions. By repeatedly filing modification petitions, the petitioner has abused the legal process.

11. Given the petitioner's non-compliance with this Court's conditions within the stipulated time, the anticipatory bail is deemed cancelled. The petitioner's argument that their arrest is illegal due to the absence of a formal cancellation order is unsustainable. Therefore, the respondent police's arrest of the petitioner is valid. As the petitioner is already under arrest, this petition has become infructuous, leaving this Court no option but to dismiss it.



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12. In the result, this Criminal Miscellaneous Petition stands dismissed. The petitioner is at liberty to move regular bail before the appropriate Court, if so advised.

sd/-
20/06/2025

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

To

- 1.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL MP(MD) No.7661 of 2025
in
CRL OP(MD) No.10257 of 2022
Date :20/06/2025

MK/24.06.2025 7P/3C

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