

CRL OP(MD).No.11259 of 2025

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

Reserved on :04.07.2025

Pronounced on:18.07.2025

CORAM

The HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD).No.11259 of 2025

Palai Rafi @ Mohamed Rafi,
S/o.Shahul Hameed

...Petitioner / Accused No.1

Vs.

The State of Tamil Nadu,
Rep by the Sub-Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.
(Crime No.93 of 2022)

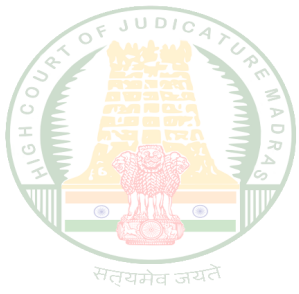
... Respondent / Complainant

For Petitioner : Mr.Karuppasamy Pandian,
for Mr.S.Subramanian,
Advocate

For Respondent : Mr.M.Karunanithi,
Government Advocate (Criminal Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Crime No.93 of 2022 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner / accused no.1, who was arrested and remanded to judicial custody on 20.06.2025 for the offences punishable under Sections 153A, 294(b), 504, 505(i)(c) and 505(ii) of the Indian Penal Code, 1860, in Crime No.93 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, on 20.03.2022, a protest meeting was organized to object to the court's order preventing Muslim girls from wearing the hijab. The petitioner, being one of the speakers at the event, allegedly made derogatory remarks about the Judges who passed the order, as well as about leaders of non-political parties who supported the verdict. Furthermore, while raising objections to the judgment, the petitioner is said to have delivered a hate speech against all political parties, including the judiciary. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent persons and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit that the petitioner was already granted



anticipatory bail in the present case, subject to certain stringent conditions.

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However, due to non-compliance with those conditions, the anticipatory bail order lapsed. Thereafter, the petitioner was arrested on 20.06.2025, and since then, he has been in judicial custody. He would further submit that Accused No.2 in the same case was granted anticipatory bail by the Learned Principal Sessions Judge, Tirunelveli, in Cr.M.P. No.3269 of 2022, dated 19.04.2022.

4. The learned counsel for the petitioner further submit that the petitioner is 60 years old and a retired Ex-Army personnel. The alleged occurrence took place on 20.03.2022. After the said alleged hate speech, no further untoward event has occurred. Moreover, the investigation in this case has already been completed. Therefore, continuing to keep the petitioner in prison at the pre-trial stage, would not serve any purpose. He would further submit that the petitioner is in custody from 20.06.2025. Hence, he seeks bail.

5. The learned Government Advocate (Criminal Side) would submit that there are totally two accused persons in this case and the petitioner has been arrayed as A1. He would further submit that the petitioner, being one of the speakers at the event, allegedly made derogatory remarks against the Judges who passed the order,



as well as against the leaders of non-political parties who supported the verdict.

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Furthermore, while raising objections to the said judgment, the petitioner had delivered a hate speech targeting all political parties, including the judiciary. Therefore, he opposes the grant of bail to the petitioner.

6. This Court has heard the learned counsel on both sides and perused the materials available on record.

7. It is seen from the records that the petitioner is A1, prior to this present petition, he has already moved this Court in CrI.O.P.(MD) No.10257 of 2022, seeking anticipatory bail, wherein this Court granted anticipatory bail on 18.07.2022 with conditions, taking note of the undertaking affidavit dated 11.07.2022 filed by the petitioner rendering his unconditional apology and also the fact that the main speakers in similar cases were already granted bail. But, unfortunately, due to non-compliance of certain conditions imposed in that anticipatory bail, the petitioner was arrested on 20.06.2025 and he is in custody since then. Another fact is that the co-accused/Accused No.2 was granted anticipatory bail by the Principal Sessions Court, Tirunelveli in CrI.M.P.No.3269 of 2022 on 19.04.2022. This was not objected by the respondent police. The FIR was registered on 20.03.2022 and the investigation



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might have been completed by this time. There is no need for further interrogation on the petitioner by the respondent police. The petitioner, who is aged 60 years old, is in custody from 20.06.2025. Therefore, considering the above facts and circumstances and also considering the incarceration period, this Court is inclined to grant bail to the petitioner with conditions.

8. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli, and on further conditions that:-

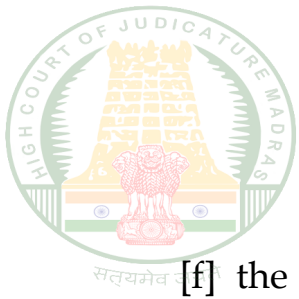
(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) The petitioner shall furnish his residential address and contact number to the learned Judicial Magistrate No.V, Tirunelveli. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate No.V, Tirunelveli;

(c) The petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

(d) The petitioner shall co-operate with the investigation and shall not threaten the witnesses and cause hindrance to the pending investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;



[f] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS/229 A IPC.

sd/-
18/07/2025

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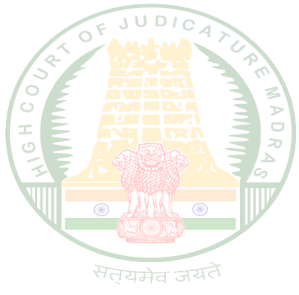
/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO

1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI,
TIRUNELVELI.



CRL OP(MD).No.11259 of 2025

4 THE SUB-INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.SUBRAMANIAN.S (3489/2014) Advocate SR.No.7754 (I)
DT.18/07/2025

ORDER
IN
CRL OP(MD) No.11259 of 2025
Date :18/07/2025

NM/18.07.2025/ 7P/7C

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