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Crl.O.P.(MD)No.16193 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.09.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.16193 of 2023

Jeyanthi

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Lalkudi,
Trichy District.

2.The Inspector of Police,
Samayapuram Police Station,
Trichy District.
Crime No.59 of 2023.

3.P.Velmurugan

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court for the Exclusive Trial of SC and ST Cases, Trichy, to consider the bail application on her surrender on the same day, if any petition filed by the petitioner in Crime No.59 of 2023 on the file of the second respondent Police.

For Petitioner : Mr.T.Nataraja

For R1 and R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)



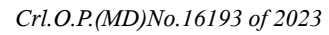
ORDER

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This Criminal Original Petition is filed seeking for a direction to the Special Court for the Exclusive Trial of SC and ST Cases, Trichy, to consider the bail application of the petitioner on surrender in connection with Crime No.59 of 2023 pending on the file of the second respondent Police.

2. It is submitted by the learned counsel appearing for the petitioner that the second respondent Police have registered a case against the petitioner in Crime No.59 of 2023 on 16.02.2023 for the offence punishable under Sections 171(G), 193, 465, 466, 468 and 471 IPC and Section 3(1)(q) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. According to the prosecution, the petitioner who belongs to upper caste (Vellalar Caste) has fraudulently obtained Community Certificate as if she belongs to Scheduled Caste, vide Certificate No.399979 dated 23.11.1995 issued by the Tahsildar, Lalgudi Taluk, Tiruchirappalli District. The petitioner is not a scheduled caste person and she has been enjoying the benefits of the scheduled caste people by



obtaining the Community Certificate fraudulently. On a complaint given by the Tahsildar, Lalgudi, a case has been registered.

4. It is submitted that the petitioner is an innocent person and she has not committed any offence and since Section 18 of Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 prescribes a bar for invoking Section 438 Cr.P.C to file an application for pre-arrest bail, she sought for a direction to the learned Special Judge for the Exclusive Trial of SC and ST Cases, Trichy, to accept the surrender and consider the bail application.

5. The learned Government Advocate (Criminal side) appearing for the official respondents submits that earlier three similar applications filed by the petitioner were dismissed by this Court and therefore, he sought for dismissal of the present petition also.

6. Heard both sides and perused the records.

7. The petitioner herein has earlier filed a petition in CrI.O.P(MD).No.7869 of 2023 seeking for the very same relief and the said petition was dismissed as not pressed on 27.04.2023. Subsequently,



one more application was filed in Crl.O.P(MD).No.9571 of 2023 which was dismissed on 09.06.2023 and thereafter, the petitioner has filed Crl.O.P(MD).No.15399 of 2023 and the same was dismissed as withdrawn on 31.08.2023. Now, the present petition is filed seeking for the same relief.

8. On going through the pleadings, it is clear that the petitioner has not mentioned anything about the earlier petitions filed by her. Though this Court has rejected the earlier application filed by the petitioner holding that the same is not maintainable on account of gravity of the offence, instead of approaching the Hon'ble Apex Court in case if she is aggrieved, she is keeping on filing the petitions before this Court even without mentioning of the earlier petitions filed by her before this Court. This kind of practice is required to be deprecated. It appears that the petitioner is trying to get some relief, in case if the prosecution is not vigilant in reporting this Court about the earlier dismissal of the petitions filed by the petitioner. In case if this petition is allowed, it would have resulted in passing of two conflicting orders. In view of the above, the petitioner is not entitled for the relief as sought for by her in the present petition.



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9. Considering the conduct of the petitioner in keeping on filing the petitions without mentioning the earlier petitions filed by her, this Court is inclined to impose a cost of Rs.5,000/- (Rupees Five Thousand Only) to be paid by the petitioner to the credit of the Account Number (A/c.No.7567821433, Indian Bank, High Court Branch Madurai (2001), IFSC Code:IDIB000H040) opened by the Registrar Judicial, Madurai Bench of Madras High Court, Madurai, for donating law books in the name of “Madurai Bench of Madras High Court” in Kalaingar Centenary Library, Madurai.

10. Accordingly, this Criminal Original Petition is dismissed.

Index : Yes/No
Internet : Yes/No
ssb

12.09.2023



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To

- 1.The Deputy Superintendent of Police,
Lalkudi,
Trichy District.
- 2.The Inspector of Police,
Samayapuram Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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DR.D.NAGARJUN. J.

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