

District:- Jamui

In the court of F.T.C II, Jamui

Present:- Prabhu Nath Singh

S.T No. 106/19,Reg. No. 106/19

ORDER

13.01.2020

Bail application has been filed on behalf of the accused Poonam Devi dated. 10.01.2020. Copy has been served to Learned APP.

Heard, and perused the record.

It is submitted and contended in the application that the petitioner is innocent committed no offence and has not file any application for bail earlier, there is no material evidence against her in case diary, she has been falsely implicated on the basis of confessional statement of co-accused Thomas Embrum and Thomas Embrum has already been granted bail from the Hon'ble High Court vide Cri. Misc. No. 21985/19 dated. 22.5.2019 within a period of 8 month in custody and the petitioner is in custody since more than 1 year 2 months and she is a lady. Charge has been framed.

On perusal of record it shows that the case was instituted on the basis of written report of one Shanti Devi in respect of murder of her son Vijay Kumar Singh on 21.9.18 at 9:30 PM. She got information regarding murder of her son. On information she went to the P.O with family members where she found that his son was murdered by sharp cutting weapon, cutting his neck and was lying in pool of Blood. Thomas Embrum @ Babloo has called his son at 8:15 PM and she suspected involvement in the murder of his son of Revti Asha, Swapnil Singh, Anjani Kumar Singh of village:- Pipradih, P.S- Jhajha, Dist:- Jamui with conspiracy of each other with Thomas Embrum due to dispute with Revti Asha and her daughter Kanchan Devi since several years.

During investigation Thomas Embrum was apprehended on 22.9.2018 at 12:00 hours and has discloses about the illicit relation with the wife of deceased. When deceased used to reside regarding his service to Lucknow, which his wife has caught him during illicit relation, thereafter she went to maternal home. After that he used to visit the house of deceased and made physical relation with the wife of deceased. The deceased come to know about their relation and suspected against them. Prior to 4-5 days of occurrence, deceased come to house and check the Mobile of his wife who found his Dial No. and causes hurt to his wife and he asked her to take her to

Lucknow on 22.9.2018, which she informed him and she instigated him if he want to have relation with her then her husband should be kill then he plan for his murder as a result he called the deceased and committed the murder and blood stained Knife, Paint, Shirt has been kept in his court yard.

On this disclosure the blood stained Paint, Shirt, Knife and Mobile E.M.I 352155064696434 and 352156064696432 with SIM No. Aircel 9546930996 was seized from his quarter. One Balram Singh was examined whose statement is recorded in Para 13 of the case diary has told the Mob. No. this petitioner Poonam Devi 8540847804 and she used to dial on the Mob no. of Thomas EmbrumNo. 9546930996 and the Mob of this petitioner Poonam Devi was seized and seizure list prepared as per para 15 of the case diary and defence version of the accused Thomas Embrum and of this petitioner was recorded in Para 18, 19 of the C.D. She also corroborates the manner of occurrence of her conspiracy in committing murder of her husband and this fact is also corroborated by the other witnesses in para 30, 31, 32, 33 of the C.D.

As recorded in Para 38 of the C.D the CDR of Mobile of petitioner No. 8540847804 and Mob no. Thomas Embrum 9546930996 of Thomas Embrum shows that since 10.9.2018 till 21.9.2018 she used to talk on about everyday several times and date of occurrence also at 20:5:5 hour 108 sec., 20:15:01-

148 Sec CAF of the Mobile of the petitioner the SIM was in name of Sandeep Kumar Sinha which was used by husband of the petitioner, thereafter it was used by Poonam Devi petitioner.

Post mortem report also corroborates the version of prosecution.

In the facts and circumstances, i do not inclined to grant him bail.

Hence the petition in bail is hereby rejected.

Dictated

P.O F.T.C.II