

SESSIONS CASE NO.38 OF 2009**Order Below EXH.831 :**

Heard learned P.P. Mr.S.B.Brahmbhatt for the State. The investigating Officer Mr.H.A.Rathod of the C.R. No.I-24/2013 filed at the Ranip Police Station is present before the Court.

1. The present application has been moved to take custody of five named accused as, the transfer warrant from the learned Metropolitan Magistrate, Court No.11 has been obtained for the same. It is also contended that the five mentioned accused are to be arrested in the C.R. No.I-24/2013. The named five accused are as under :

- (1) Mohammad Sajid @ Saleem Sajjad @ Saad S/o. Gulam Khwaja Mansuri
- (2) Kayamuddin @ Musa @ Ashapak @ Abdul Kadir @ Rizwan @ Sameer S/o. Sarfuddin Kapadiya
- (3) Jisan Ahmed S/o. Mahesan Ahmed
- (4) Jiyaul Rehman @ Montu S/o. Abdul Rehman Muslim
- (5) Abbas S/o. Umar Sameja

2. Learned P.P. Mr.Brahmbhatt also states that originally Sec.268 of the Code of Criminal Procedure was invoked against the five accused. However, as on date, upon request of the investigating agency, the relaxation has been granted by the State Government. Hence, the said accused can also be taken out from the Central Jail premises.

3. Earlier vide EXH.752, an order was passed to interrogate the 14 accused. The present above named five accused are not amongst those 14 accused.

4. It has been submitted that since sufficient material has been revealed against the present five accused, they need to be arrested in the present case for which, their custody is essential and that the Transfer Warrants have already been obtained.

5. In the larger interest of justice and with a view to give sufficient opportunity to the Investigating Agency to complete the investigation freely and fairly in the serious matter like tunnel digging in the Central Jail at Sabarmati, it appears just and proper to allow the application. In view of the foregoing discussion, the following order is passed :

O R D E R

[a] The I.O. Shri H.A.Rathod, P.I. Crime Branch, Ahmedabad City is permitted to take away the custody of the following **five** accused from the Central Jail, Sabarmati to further interrogate and to arrest and to do necessary formalities with reference to C.R. No.I-24/2013 filed at the Ranip Police Station.

- (1) Mohammad Sajid @ Saleem Sajjad @ Saad S/o. Gulam Khwaja Mansuri
- (2) Kayamuddin @ Musa @ Ashapak @ Abdul Kadir @ Rizwan @ Sameer S/o. Sarfuddin Kapadiya
- (3) Jisan Ahmed S/o. Mahesan Ahmed

- (4) Jiyaul Rehman @ Montu S/o. Abdul Rehman Muslim
(5) Abbas S/o. Umar Sameja

[b] The Investigating Officer shall take all necessary care for the safety and security of the accused and for the continuance of the smooth trial of Sessions Case No.38/2009.

[c] During interrogation, the I.O. shall take care of all human rights of the accused and shall act in strict compliance of the different directions given by Hon'ble the Apex Court and Hon'ble the High Court of Gujarat with reference to the rights of the accused being interrogated.

[d] A Yadi of this order be sent to the I.O. of C.R. No.I-24/13, I.O. of Sessions Case No.38/09 and to the Superintendent, Central Jail, Sabarmati, Ahmedabad.

With the above directions, this application stands disposed of as allowed.

Date : 08/04/2013.
At 15:25 hours at
residence

(Jyotsna Yagnik)
Judge,
Special Court Designated
For Conducting Speedy Trial
Of Serial Bomb-Blast Cases,
At Ahmedabad.