

**IN THE COURT OF SPECIAL DESIGNATED JUDGE FOR
CONDUCTING THE SPEEDY TRIAL OF SERIAL BOMB BLAST
CASES, AT AHMEDABAD.**

SESSIONS CASE NO.38 OF 2009 AND OTHERS.

**ORDER BELOW EXH.:3584 & EXH.:3585
(Application of Accused No.65, 66 & 26)**

1. The present application has been preferred by the Jail authority through the learned Special P.P., seeking relief inter-alia to the effect that (1) **Mohammad Safiq @ Dadabhai @ Taufiq @ Rafiq @ Ali Abdulbari Ansari (A-66)** (2) **Mohammad Yunus @ Ummar @ Khalid Mohammad Sabir Maniyar (A-65)**, (3) **Mohammadali @ Jamal @ Jiya @ Yasir @ Abubakar Mohram Ali Ansari (A-26)** who are judicial custody in connection with the offence registered at Shahibaug Police Station being Ist C.R. No. 236/08, and which has culminated into Sessions Case No. 38 of 2009 as also other related matters which are tried as a group be permitted to be produced for another judicial proceedings before the **Judicial Magistrate First Class Court, Indore, M.P.**, on **13.01.2016** for **Accused No.65 & 66** as well as before the **Additional Sessions Court, Jabalpur, M.P.**, on **20.01.2016** & **Learned JMFC, Jabalpur, M.P.** on **21.01.2016** for **Accused No.26**.

2. It is clear that the accused referred to above who is in judicial custody are also covered by a notification whereby the provisions contained in Section 268 of the Criminal Procedure Code is made applicable to such accused.
3. It is required to be noted that herein the present case the Investigating Officer has filed the detailed report in connection with the present application, which is exhibited at Exh.:3586 & Exh.:3587. It is, in such report clearly opined by the Investigating Officer that in view of the present atmosphere and circumstances prevailing in the Gujarat State and also at National level, therefore, it would not be advisable and appropriate to take out from judicial custody of all above referred accused largely in the interest of law and order, required to be maintained in the State. The concerned Investigating Officer has for detailed reasons recorded in the objection this place on the record for this order.
4. Having considered facts and circumstances, I too am of the opinion that the accused are charged with grave and serious offence and in respect of whom the provision of Section 268

of Cr.P.C., are applying deep and careful consideration, needs to be given before passing any order for revocation of the provisions of Section 268 of Cr.P.C., and permitting the accused to be transferred from the custody of this Court to the Court of Indore and Jabalpur in M.P. It is also further required to be noted that all the bullet proof cars and other Government Police Vehicles are engaged in maintaining law and order in Gujarat and other Police personnels are also engaged in their respective duties for the prevailing conditions in the State. Therefore, in my opinion, at this juncture it would not be in the fitness of things to allow the present application by ordering the revocation of the provisions of Section 268 of Cr.P.C., as sought for herein and permitting the said accused to be produced before the concerned Court at Indore and Jabalpur. More so, without any consideration due care and caution is required to be taken, more particularly in view of the situation prevailing in the State and at National level and in view of the circumstances, I therefore the following order:-

O R D E R

- This application is hereby rejected and accordingly disposed of.

➤ Yaadi to the Jail Superintendent, Home Department and Special P.P.

Pronounced in the open court today
on this **8th** day of **January, 2016**.

Date: 08-01-2016 (PANKAJKUMAR CHANDRAKANT RAVAL)
DESIGNATED JUDGE
SPECIAL COURT FOR CONDUCTING SPEEDY
TRIAL OF SERIAL BOMB-BLAST CASES,
AHMEDABAD, GUJARAT.
(CODE NO.: GJ00402)

bkpatel