

EX. 2595

EX. 2845
25693
27737

IN THE SPECIAL DESIGNATED COURT CONSTITUTED UNDER THE MAHARASHTRA CONTROL OF ORGANISED CRIME ACT 1999 FOR GREATER MUMBAI AT MUMBAI.

REMAND APPLICATION NO. 114 /08 Dated 07/10/2008

IN

D.C.B., C.I.D., CR No.152/2008 (Matunga Police Station, CR No. 314/2008) u/sec. 295(A), 505(2), 507, 506(II), 120 (B), 121, 122 & 286 IPC r/w. sec. 3, 25 of Arms Act r/w. sec. 6 & 9(B) of Explosives Act, 1884 r/w, sec. 4 & 5 of Explosive Substances Act, 1908 r/w. sec. 10 & 13 of Unlawful Activities (Prevention) Act, 1967 r/w sec. 66 Information Technology Act, 2000 r/w sec. 3(1)(ii), 3(2), 3(4) of MCOC Act, 1999

STATE OF MAHARASHTRA
(At the instance of D.C.B.C.I.D., Mumbai)

.....COMPLAINANT

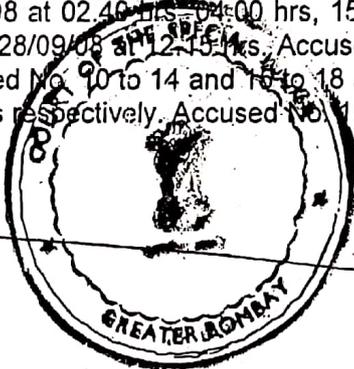
V/S.

- 1) Afzal Mutalib Usmani @ Afsa, 32 yrs.,
- 2) Sadique Israr Ahmed Shail h, 33 yrs.,
- 3) Mohd.Arif Badruddin Shaikh @ Arif Badar @ Laddan 38 yrs.,
- 4) Mohd. Jakir Abdul Haq Shaikh, 27 yrs.,
- 5) Ansar Ahmed Badshah Shaikh, 35 yrs.,
- 6) Asif Bashir Shaikh, 22 yrs.,
- 7) Mohd. Mansoor Asgar Peerbhoy, 31 yrs.,
- 8) Mubin @ Salman Kadar Shaikh, 24 yrs.,
- 9) Mohammad Atiq Mohammad Iqbal @ Musab, 25 yrs.,
- 10) Mohamad Akbar Ismail Chaudhari @ Saeed, 26 yrs.,
- 11) Anik Shafiq Sayyad @ Knalid, 27 yrs.,
- 12) Majid Akhtar Shaikh @ Nazim, 26 yrs.,
- 13) Yasir Anis Sayyad @ Hujefa, 20 yrs.,
- 14) Farooq Sharfuddin Tarqas @ Abdulla @ Peter, 25 yrs.,
- 15) Mohammad Ahmed Ali, 44 yrs.,
- 16) Javed Mohammad Ali, 20 yrs.,
- 17) Ahmed Abubakkar Bawa, 33 yrs.,
- 18) Mohammad Naushad Mohammad Irshad Sayyad, 25 yrs.,
- 19) Dustgir Feroz Muzawar @ Afroz @ Munjeeb, 25 yrs.,
- 20) Fazal Rehman Mussadiqkhan Durani @ Sallauddin, 23 yrs. ACCUSED

MCOC Case No. 21/06
Exhibit No. 2845
R
27-6-12
Sheristadar
City Civil and Sessions Court
Gr. Bombay

48
Special Judge
For MCOCA and NIA Cases
Gr. Bombay

Accused No 1 is arrested on 23/09/08 at 21.15 hrs. Accused No 2 & 3, 4 and 5 arrested on 24/09/08 at 02.40 hrs, 04:00 hrs, 15.30 hrs respectively. Accused 6 to 8 arrested on 28/09/08 at 12.15 hrs. Accused No. 9 arrested on 4/10/08 at 16.10 hrs. Accused No. 10 to 14 and 16 to 18 arrested on 05/10/08 at 01.30 hrs and at 02.00 hrs respectively. Accused No. 19 and 20 arrested on



Asstt. Superintendent
City Sessions Court
Greater Bombay

CERTIFIED copy supplied on
payment of usual charges
Vide Receipt No. 8406
S/11/11

Copy applied on ...
Copy ready on ...
Copy despatched on ...
delivered

27738

25094

48

The
admission
of the

PC till 07/10/08 and accused No. 9 to 20 remanded to PC till 13/10/08. All the accused persons have been arrested under provision of MCOC on 07/10/2008 at 12.45 Hrs

SUBJECT :- APPLICATION FOR POLICE CUSTODY REMAND .

MAY IT PLEASE YOUR HONOUR

The brief facts of the above case are that, on 23.08.2008, news channel "India TV", received a threatening e-mail from "Indian Mujahideen" organization, taking responsibility of series of Bomb Blasts at Ahmedabad and planting motor cars containing live bombs found at Surat. The said organization has given life threats to officers of ATS Mumbai and Gujarat Police, D.G.P etc. who have worked against Muslims and Islam Religion.

Inquiries made revealed that the e-mail was sent to media by misusing the I. P. Address of Guru Nanak Khalsa College of Arts, Science and Commerce, Matunga, Mumbai.

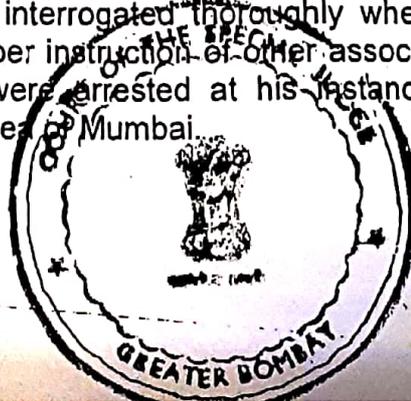
The said organization deliberately and intentionally has outraged religious feelings of Hindus and thereby created fear and communal tension between two sects of Hindu - Muslim community and shown disregard to the police force to cause fear in the public and also induced to commit offence against the public tranquility. Accordingly, Shri. Sunil D. Jadhav, PSI attached to ATS, Mumbai, on behalf of the state has lodged a complaint with Matunga Police Station vide CR No. 314/2008 u/s 295(A), 505(ii), 506(ii) & 507 of IPC. The investigation of the said case was taken over by Cyber Cell, D.C.B., C.I.D. and subsequently by C.I.U (Ops.), Mumbai on 23/09/2008 as per the order.

On 15/08/2008 PI Arun Chavan and staff of Property Cell, DCB, CID, Mumbai received information from reliable sources that a car thief Afzal Mutalib Usmani is in U.P. Suspecting the motor cars used in bomb blast might have been stolen by him, he was picked up from U.P. and was brought to Mumbai. He was interrogated thoroughly. He confessed the motor car thefts in 1) Vile Parle Police Station vide CR No. 293/2008, 2) Nagpada Police Station CR 220/08 and 3) Khar Police Station CR No. 256/2008 u/s. 379 of IPC. He was put under arrest in the above said cases. The investigation of these cases were transferred to DCB vide CR Nos. 142/2008, 146/2008 and 149/2008 respectively.

While interrogating him, the e-mail sent by Indian Mujahideen organization was also shown to him. He identified the motor cars seen in the said e-mail as the same which were stolen by him from Navi Mumbai and used in Surat and Ahmedabad bomb blasts. As such C.R. No. 314/2008 of Matunga Police Station was transferred to DCB, CID, vide CR No. 152/2008 on 23.09.2008. Accused Afzal Mutalib was arrested in the said case.

Accused Afzal Mulalib Usmani was interrogated thoroughly when he admitted having stolen the motor cars as per instruction of other associates. The below mentioned accused persons were arrested at his instance on 24/09/2008 from Sewree, Kurla and other areas of Mumbai.

1) Sadique Israr Ahmed Shaikh, 33 yrs.



12.45

25695
46
27439
5

- 2) Mohd. Arif Badruddin Shaikh @ Arif Badar @ Laddan 38 yrs.
- 3) Mohd. Jakir Abdul Haq Shaikh, 27 yrs.
- 4) Ansar Ahmad Badshah Shaikh, 35 yrs.

The above accused persons were interrogated tactfully, when they admitted their involvement in the said crime and Bomb Blasts in Gujarat and other states. They have also admitted having received the motor cars from Afzal Mutalib Usmani and the same were used in the said bomb blasts. The same motor cars are also the same which are seen in the e-mail, and has identified by accused Afzal as the same which were stolen by him.

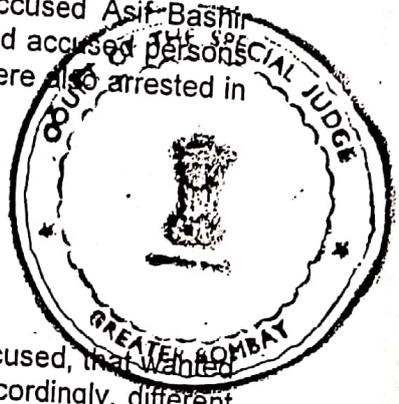
Two revolvers, one carbine with two magazines and 38 live cartridges were recovered at the instance of accused Sadique Israr Ahmed Shaikh under Memorandum Panchnama from garment factory at Sewree The said factory belongs to the wanted accused Abu Rashid Iqlak Ahmed Shaikh.

The contraband of 10 kg of Gelatin, 15 Detonators, 4 Timers and 8 kg of ball bearings were recovered at the instance of accused Mohd. Arif Badruddin Shaikh @ Arif Badar @ Laddan under memorandum panchnama.

All the accused were interrogated separately. They have also given the information of their other associates, 1) Asif Bashir Shaikh, 22 yrs, 2) Mohd. Mansoor Asgar Peerbhoy, 31 yrs, and 3) Mubin @ Salman Kadar Shaikh, 24 yrs. They were also picked up from Pune. They were interrogated thoroughly when they admitted the crime. After confirming their involvement, they were arrested in this case.

Four laptops, wireless routers & cards, spy locators, Wifi location detector, RF signal detectors, Reliance wireless net connector, two hard disc, three CPU, one TV, one VCD player, CDs, one pistol with seven live cartridges, folding tent, two sets of walkie-talkies, two knives, jacket, life jackets, three glass suction plates, one toy pistol, mask, wire cutter, glass cutter, stamp, stamp pad, sleeping injections, tablets, Jehadi religious books, audio cassettes, mobile phones, three pen drives, one cheque and other religious materials were recovered at the instance of accused Asif Bashir Shaikh under panchnama from Pune. The below mentioned accused persons were also found along with the above contraband. They were also arrested in this case.

- 1) Mohamad Akbar Ismail Chaudhari @ Saeed, 26 yrs.
- 2) Anik Shafiq sayyad @ Khalid, 27 yrs.
- 3) Majid Akhtar Shaikh, 26 yrs
- 4) Yasir Anis Sayyad @ Hujefa, 20 yrs
- 5) Farooq Sharfuddin Tarqas @ Abdulla @ Peter, 25 yrs.



As per the information gathered from the arrested accused, that wanted accused are based in Mangalore, Pimpri and Parbhani. Accordingly, different police teams were sent to said places which picked up accused namely 1) Mohammad Atiq Mohammad Iqbal @ Musab, 25 yrs, 2) Dustgir Feroz Muzawar @ Afroz @ Mujeeb, 25 yrs., and 3) Fazal Rehman Mussadiq Khan Durani @ Sallauddin, 23 yrs from Pimpri and Parbhani.

As per voluntary statement made by accused Mohammad Atiq Mohammad Iqbal @ Musab, 31 timers and other controversial books about

27740 25896 (2) G/Inc Post

Jehad, were recovered and accused Dustgir Feroz Muzawar @ Afroz @ Mujeeb is arrested in this case.

The police team at Mangalore raided at Ullal along with local police and recovered five hand grenades, cash of Rs 11 lacs and incriminating contraband from accused 1) Mohammad Ahmad Ali, 44 yrs, 2) Javed Mohammad Ali, 20 yrs, 3) Ahmad Abubakkar Bawa, 33 yrs and 4) Mohammad Naushad Mohammad Irshad Sayyad, 25 yrs. Ullal Police Station registered an offence vide CR No 242/2008 u/s 10, 11, 13, 18, 19 of Unlawful Activities (Prevention) Act r/w 120 (B), 121(A), 122, 153(A) of IPC r/w 5, 6 of Indian Explosive Substances Act and arrested them in their case. As they are involved in this case, they were taken charge on production warrant by the said team and brought the accused persons to Mumbai and arrested in the said case.

In view of the above recovery of dangerous weapons, explosives, prior sending of e-mail of respective bomb blasts and the involvement of the above said accused in committing such terrorist activities, it is clear that these accused have formed the organized crime syndicate and after conspiring, did said and abet each other knowingly in committing the organized crime. They were found possessing the dangerous weapons, explosives and involved in committing bomb blasts causing death and serious injuries to the public.

Afzal Mutalib Usmani is one of the members of said Organized Crime Syndicate against whom following charge sheets have been submitted within the preceding period of 10 years for offences punishable with imprisonment for 3 yrs or more and the Competent Courts have taken cognizance of the same.

Sr. No.	Police Station	CR No. & U/Sec.	Case No.	Disposal
1	DCB, CID	147/2004 u/s. 307, 387 & 120(B) IPC r/w. 3, 7, 25, 27 of Arms Act.	S. C. No. 1038/06	P/T
2	DCB, CID	12/2005 u/s 387, 452, 34 of IPC	C. C.. 149 /PW / 05 & 564/PW/06	P/T
3	DCB, CID	17/2005 u/s 302, 120 (B) of IPC	MCOC Spl. No. 05/2005	Aquit.

Accused 1) Asif Bashir Shaikh, 22 yrs., 2) Mohd. Mansoor Asgar Pirbhoy, 31 yrs. and 3) Mubin @ Salman Kadar Shaikh, 24 yrs. were put under interrogation who then confessed having sent the particular e-mail as per the instructions of accused Riyaz Bhatkal, his brother Iqbal Bhatkal and Afzal Mutalib Usmani by hacking IP address of Khalsa College. They further confessed that they are active members of banned SIMI organization. As such wanted accused Riyaz Bhatkal, Iqbal Bhatkal and his associates have started their terrorist activities under the name of "Indian Mujahideen".

Thus, from the above arrest, recovery, criminal acts and thorough interrogation, it is seen that the above arrested and wanted accused have:

- (1) formed a gang of organized crime syndicate for committing terrorist activities,



25741

25697

94 7

(2) aided and abetted each other in continuing their illegal activities of organized crime syndicate by stealing motor cars for bomb blast and causing death and serious injuries to the public at different cities of India since 2005, prior sending of terror and threatening e-mail and possession of weapons and explosives and thereby conspiring to wage war against the Govt. and creating terror and outraging the religious feeling between two sects of Hindu and Muslim.

(3) accused Afzal Mutalib Usmani, who is a member of this Organized Crime Syndicate has been charge sheeted in more than one offence which is punishable with imprisonment for 3 years or more within the span of previous ten years and the Competent Courts have taken cognizance of the same.

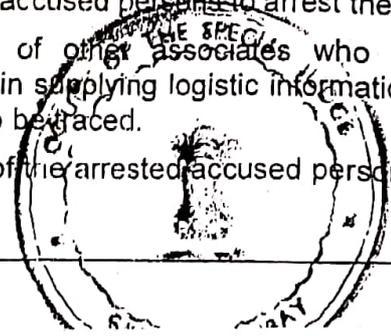
(4) benefited themselves and their organized crime syndicate by gaining pecuniary benefits or other advantages through their illegal activities.

Accused Afzal Mutalib Usmani and the wanted accused Riyaz Bhatkal @ Roshan Khan, his brother Iqbal Bhatkal @ Mohammad Ali under their leadership have formed a Organized Crime Syndicate in the name of "Indian Mujahideen" of his associates and have continued unlawful activities of serious crime i.e. bomb blasts at Jaipur, Ahmedabad, Hyderabad, Varanashi, Lucknow, Delhi and 7/11 Mumbai suburban railway bomb blasts. They continued the same for gaining pecuniary benefits or other advantages which they have received from wanted accused Aamir Raza, based in Pakistan, and thereby waged the war against the State. They have been creating fear in the minds of Indian citizens by sending terror e-mail of prior intimation about bomb blasts and committed series of bomb blasts causing death and serious injuries to the innocent people.

Thus, this organized crime syndicate has committed the series of serious offences in all over India i.e. Mumbai, Banglore, Hyderabad, Varanasi, Jaipur, Ahmedabad, Surat and Delhi since 2005. The above offences committed by the arrested and wanted accused, are punishable under the provisions of MCOC Act. Hence a proposal requesting prior approval to apply the provisions of M.C.O.C. Act, 1999 to this case was put up and after perusing, studying the evidence and after applying his mind, satisfied with the proposal and approved the same Jt. Commissioner of Police (Crime) issued the prior approval order on 07/10/08 vide O/w No 849/08 to invoke the provisions of MCOC Act to the said case. After obtaining prior approval the sections 3(1)(ii), 3(2), 3(4) of MCOC Act 1999 are added to this case.

The Police custody of the above mentioned accused persons is required for carrying out remaining investigation on the following grounds :-

1. The whereabouts of the wanted accused persons are to be traced from the arrested accused persons to arrest them..
2. The involvement of other associates who helped the arrested accused persons in supplying logistic information of various location of bomb blast is to be traced.
3. The involvement of the arrested accused persons in any other cases is to be find out



27742 25898 52

4. The telephonic information / link amongst the arrested and wanted accused are to be established.
5. The source of the explosives and weapons used in various bomb blast in India is to be traced.
6. The motor vehicle used in commission of said offence is to be traced.
7. More eye witnesses in this case are to be traced.

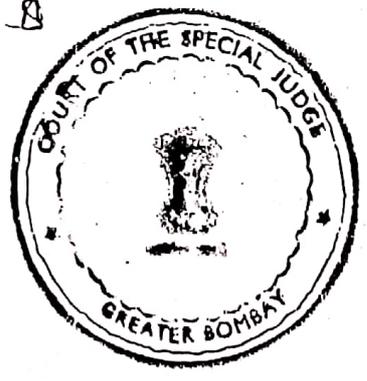
Under the above circumstances, pending enquiry and seriousness of this case, it is requested that arrested accused No. 1 to 20 may kindly be remanded in Police custody till 21/10/08.

A.L.S./11
 (Ashok Duraphe)
 Asstt. Commissioner of Police,
 D-1/South, D.C.B. C.I.D. Mumbai

Identified by me
Reelover 21/10/08
 Special Public Prosecutor,
 For Greater Bombay, At Mumbai.

Checked by *Bawana*
 Dt. 26/12/11

CERTIFIED TO BE A TRUE COPY
 Dated this *17th* day of Dec-2011
[Signature]
 For Registrar
 City Sessions Court, Mumbai



pd