

**IN THE COURT OF HONORABLE DESIGNATED JUDGE
CONSTITUTED UNDER NIA ACT FOR GREATER BOMBAY
AT MUMBAI**

NIA SPL. CASE NO. 01 OF 2016
(RC-05/2011/NIA/DLI.)

State (Through National Investigation Agency)

V/s

Pragya Singh & others

**REPLY OF THE INTERVENOR'S APPLICATION TO BAR
ACCUSED PRAGYA SINGH THAKUR FROM CONTESTING THE
GENERAL ELECTIONS.**

MAY IT PLEASE YOUR HONOUR :

It is humbly submitted on behalf of the National Investigation Agency that:-

Brief facts of the case:-

On 29.09.2008 at about 2135 hrs, some unknown persons in pursuance of a criminal conspiracy caused Bomb explosion at a place opposite Shakil Goods Transport Company between Anjuman Chowk to Bhiku Chowk, in the explosion 06 persons were dead and 101 persons were injured. In this case FIR was lodged at Azad Nagar P.S. Malegaon, vide CR. No. 130/08 dated 30.09.2008.

Further the case was taken over for investigation by ATS Maharashtra vide CR No.18/2008. The provisions of MCOC Act were invoked by ATS during the investigation.

On 20.01.2009 a charge sheet was filed by ATS, Mumbai against 11 and 03 wanted accused persons. Further on arrest of a

wanted accused Praveen Takalkki on 21.04.2011 ATS Mumbai had also filed a supplementary charge sheet against him.

Thereafter, the case was transferred to NIA for further investigation vide MHA order no.1-11034/18/ 2011-IS-IV dated 01.04.2011. Accordingly NIA has registered FIR vide RC-05/2011/NIA/DLI and after completion of investigation on 13/05/2016 NIA filed the final report u/s. 173(8) of Cr.P.C. in this case.

In the final report /charge sheet, the NIA has recommended prosecution against 10 accused persons (including 02 absconding) and also recommended that, the evidences against 06 accused persons including Pragya Singh Thakur have not been found sufficient as such the prosecution against them is not maintainable.

REPLY OF PROSECUTION.

1. That, on 18/04/2019 an application has been filed in the Honourable NIA Special Court by Shri. Nisar Ahmed Syed Bilal, father of deceased Syed Azhar Nisar Ahmed through his advocate Sharif Sheikh praying that the accused Pragya Singh Thakur (A-1) may be asked to attend NIA Special Court at Mumbai and barred from contesting the Lok Sabha elections (2019) as the trial is still in progress and a petition against her bail is pending in the Honourable Supreme Court of India.
2. That, this matter is related to the election and Election Commission. NIA has no jurisdiction to say anything on this matter because the matter of contesting in elections is not related to this case. It is to be decided by the Election Commission only. Hence, no comments are offered.
3. However, it is pertinent to mention that, in the supplementary charge sheet dated 13/05/2016 filed by the NIA , NIA has

recommended prosecution against 10 accused persons (including 02 absconding) and also recommended that, the evidences against accused persons namely, Pragya Singh Thakur (A-1), Shiv Narayan Kalsangra (A-2), Shyam Sahu (A-3), Rakesh Dhawade (A-7), Jagdish Chintaman (A-8) Mahatre and against the accused Parveen Takkalki (A-11) have not been found sufficient as such the prosecution against them is not maintainable.

4. The prosecution against Rakesh Dhawade, Jagdish Chintaman Mahatre was recommended under the provisions of Arms Act only.
5. It may also be submitted that "Before THE HIGH COURT OF JUDICATURE AT BOMBAY in CRIMINAL APPEAL NO. 545 OF 2016 preferred by Pragya Singh Chandrapalsingh Thakur, the same Nisar Ahmed Haji Sayed Bilal was also an Intervenor. The judgment in the said appeal was pronounced on 25TH APRIL, 2017 inter alia holding thus:

"117. Taking, therefore, totality of the facts and circumstances of the case mentioned here-in-above, we are of the considered opinion that the Appellant has made out a case for bail under sub-section (5) of section 43D of the UAP Act. We, accordingly, allow the Appeal and Appellant is directed to be released on bail on her furnishing bail bond of Rs.5,00,000/-, with with one or two sureties of like amount, subject to following conditions :

- [a] Appellant shall deposit her passport, if any, with the Special Court.
- [b] Appellant shall report to the NIA as and when required.
- [c] Appellant shall not tamper with the evidence or prosecution witnesses.

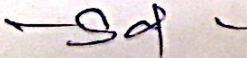
[d] Appellant shall remain present at the time of hearing of the case before the Special Court."

"122. Mr. Desai, learned Senior Counsel for the Applicant-Intervenor, at this stage, prays for stay of this order. Since we have recorded the conclusions for the purpose of this Appeal that there is no material on record to prove prima facie case against the Appellant, the prayer for stay is rejected."

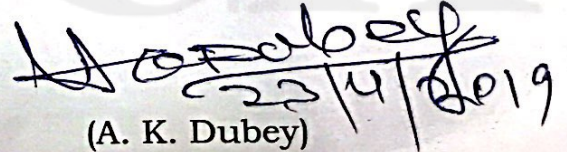
6. Nisar Ahmed Haji Sayed Bilal assailed this order by preferring Petition(s) for Special Leave to Appeal (Crl.) No(s). 5668/2017 and the same is pending consideration before the Hon'ble Supreme Court.

Date: 23/04/2019

Submitted by



SPP for NIA


(A. K. Dubey)

Dy. Superintendent of Police
National Investigation Agency,
Mumbai