

**IN THE COURT OF SPECIAL JUDGE CONSTITUTED UNDER NIA
ACT AND MAHARASHTRA CONTROL OF ORGANIZED CRIME
ACT 1999 FOR GREATER MUMBAI**

N.I.A SPECIAL CASE NO.01 OF 2016

PragyasinghChandrakantsingh
Thakur @ SadhviAged About 47 Years;

[REDACTED]
[REDACTED]
[REDACTED]

RESPONDENT/ACCUSED

Versus

The State Of Maharashtra
Through National Investigating
Agency (Nia) New Delhi

ORIGINAL COMPLAINANT

Versus

Nisar Ahmed Sayyed Bilal
Age 59 Years, Occ, Retired,

[REDACTED]
[REDACTED]

INTERVENER

**APPLICATION PRAYING TO
RESTRICT ACCUSED NO 1
FROM CONTESTING 2019
PARLIAMENT ELECTION AS
SHE IS STILL FACING TRIAL
FOR TERRORIST ACT AND
CANCELLATION OF BAIL
PETITION IS PENDING IN
APEX COURT**

MAY IT PLEASE YOUR HONOR.

It is hereby submitted by the applicant above named as under;

1. That the intervener is an adult Indian inhabitant, permanently and presently residing at the above given address, a respectable members of the society.
2. That on 29 September 2008 a bomb explosion took place at Bhikku Chowk, Malegaon, in which six persons were dead and more than 100 persons were sustained grievous injured.
3. The Intervener / Applicant states that in the said explosion the Son of intervener by name Sayyed Azhar Nisar Ahmed had also expired on the spot itself. (Medical Certificate is already placed before this Hon'ble court Exh _____) and he also got the compensation from Government,. The Son of intervener died due to the bomb blast explosion on 29-09-2008, the present intervener has directly been affected by the said explosion, and hence the present intervener is an aggrieved person to file this application in the interest of Justice.
4. The Intervener / Applicant states that he came to know by electronic as well as print/social media that Accused No 1 Sadhvi Pragay Singh Thakur has joined ruling Political Party-BJP and going to contest 2019 Parliament elections form Bhopal. (News Paper Cutting attached herewith for kind perusal of this Hon'ble Court)
5. The Intervener respectfully submitting that, A-1 was enlarged on Conditional bail and she is not attending hearing of this court on the pretext that she is unwell and she is "Breast Cancer Patient" but on the

contrary she has been seen participating in various programs and giving objectionable & instigating speeches since her release from Jail.

6. The Intervenor submits that A-1 has flayed her duty to the Hon'ble Court under false pretense but has submitted herself to the duty of being a parliamentarian. A-1 has taken a casual outlook to the trial and it casts serious doubt on her non-availability for the trial and the reasons so told.
7. The Intervener Submits that, during bail hearing in Hon'ble Bombay High Court A-1 had filed written statement in support of her health and claimed that, she cannot even walk without support, her contention and High Court observations being re-produced here for kind perusal of this court.

116. Moreover, the Appellant in this case is a woman. She was arrested on 23rd October 2008 and is in custody since last more than 8 years, Medical certificate annexed to the petition and written submissions show that appellant is suffering from breast cancer. The medical report of the Appellant indicates that she has become infirm and cannot even walk without support. The medical certificate further shows that Appellant is being given treatment in Ayurvedic hospital. In our opinion, Ayurvedic Hospital cannot give proper treatment to the Appellant, who is suffering from cancer.

8. That intervener would further submits that, A-1 got bail on health ground but clearly healthy enough to fight elections in the crippling summer heat which means she has misguided the Hon'ble Court.
9. The Intervener submits that, while granting bail, Hon'ble Bombay High Court imposed following conditions but condition 'd' not been followed and in this regard court records speaks rest.

[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.

10. That the intervener has filed Petition in Supreme Court for cancellation of bail bearing no SLP (Crl) No. 005668 - / 2017 (Diary No 16417/2017) and Hon'ble apex court has admitted the petition and has issued notice to her by order dated 20/07/2018. Copy of Said order is attached herewith.

11. That the intervener further submits that, despite of clean-chit from National Investigation Agency, this Court has not exonerated A-1 from case and on 30th October 2018 framed the charges against her along with other accused which means prima facie there are sufficient /material evidence against her which may result in conviction.

12. That the intervener respectfully prays that, A-1 may be asked to attend court proceeding here in Mumbai and barred to contest the election as trial is still in progress and Petition of cancellation of Bail is Sub-Judice before Hon'ble Supreme Court.

13. That intervener further submit that, since National Investigation Agency has nothing to say against A-1, it become duty of intervener to inform the court about this development which hurt the bomb blast victims massively. Hence this application.

Under these circumstances it is humbly prayed that this Hon'ble court may graciously be pleased in the interest of justice:-

- a) To pass such order/direction restricting A-1 from contesting 2019 Parliament elections and direct her to attend court on hearing day since trial is being conducted on day-to-basis and as per High Court order she has to attend court.
- b) Any other relief in the interest of Victims of Bomb Blast Case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

PLACE: MUMBAI
DATED; 19th Day of April, 2019

SHARIF SHAIKH AND SHAHID NADEEM
ADVOCATE FOR THE APPLICANT