



**NATIONAL INVESTIGATION AGENCY**  
MINISTRY OF HOME AFFAIRS  
GOVERNMENT OF INDIA  
7<sup>th</sup> FLOOR NDCC-II, BUILDING  
JAI SINGH ROAD  
NEW DELHI-01

**FINAL REPORT**

**U/S 173 (8) CrPC**

**BEFORE THE HONOURABLE SPECIAL COURT**

**NIA PATIALA HOUSE COURTS, NEW DELHI**

STATE (NIA)


V/S

MOHAMED NASER AND OTHERS

1. **Name of the Police Station** : National Investigation Agency,  
New Delhi
- FIR No.** : RC-14/2015/NIA/DLI
- Year** : 2015.
- Date** : 09.12.2015.
2. **Final Report/** :
- Charge Sheet No.** : **05/2016 (A)**
3. **Date** : **19.07.2016**
4. **Sections of law** : Section 120 B of the Indian Penal Code, section 17,18, 18B, 38, 39 &40 of the Unlawful Activities (Prevention Act, 1967 (as amended) and section 5 & 6 of Explosive Substances Act, 1908.
5. **Type of Final Report** : Supplementary Charge Sheet-I


6. **If Final Report Un-occurred- : No**  
**False/Mistake of Facts/**  
**Mistake of Law/Non-**  
**Cognizable/Civil Nature**
7. **If Charge Sheet: Original / : Supplementary**  
**Supplementary**
8. **Name of the Investigation : Sh. Anurag Kumar, IPS**  
**Officer : Superintendent of Police**  
**New Delhi w.e.f 20.12.2015.**
9. **Name of the complainant : Sh. Arvind Digvijay Negi,**  
**/Informant : Superintendent of Police**  
**New Delhi**
10. **Details of Properties/ : As per list enclosed in Annexure**  
**Articles/ Documents**  
**Recovered/ Seized During**  
**Investigation and relied**  
**upon**
11. **Particulars of accused persons charge-sheeted:**

**A-2**


<b>a.</b>	<b>Name</b>	Mohammad Nafees Khan @ Fatima Khan @ Abu Zarrar @ Akram 
<b>b.</b>	<b>Father's Name</b>	Mohammad Afsar Khan
<b>c.</b>	<b>Age</b>	21 years
<b>d.</b>	<b>Sex</b>	Male
<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	
<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Private Job Salesman
<b>i.</b>	<b>Address (Present)</b>	Amena Cottage, Syed kalam Hussain House No-9-4-87/A/28, Amena Colony,

		Sheikh Pet MD lines, Toli Choki, Hyderabad-8.
<b>j.</b>	<b>Address (Permanent)</b>	H.No.5-33, Nancherla, Gandeed, Ranga Reddy District, Telengana
<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Arrested on 22.01.2016. Presently lodged in Central Jail Tihar-New Delhi

**A-3**


<b>a.</b>	<b>Name</b>	Mudabbir Shaikh @ Abu Musab @ Adil 
<b>b.</b>	<b>Father's Name</b>	Mushtaq Shaikh
<b>c.</b>	<b>Age</b>	33 years DOB 13.10.1982.
<b>d.</b>	<b>Sex</b>	Male
<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	
<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Private Job
<b>i.</b>	<b>Address (Present)</b>	404 Reshma Apartment Amrut Nagar, Mumbra, Maharashtra.
<b>j.</b>	<b>Address (Permanent)</b>	404 Reshma Apartment Amrut Nagar, Mumbra, Maharashtra
<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Arrested on 22.01.2016. Presently lodged in Central Jail Tihar,New Delhi

**A-4**

<b>a.</b>	<b>Name</b>	Abu Anas @ Abu @ Anas 
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<b>b.</b>	<b>Father's Name</b>	Amzad Khan
<b>c.</b>	<b>Age</b>	25 years 15.08.1991
<b>d.</b>	<b>Sex</b>	Male
<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	M-5963757, issued by RPO, Jaipur, valid till 04.02.2025.
<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Private Job
<b>i.</b>	<b>Address (Present)</b>	Room No-404, 4 <sup>th</sup> Floor Plot No-1122, Srivenkatarama, Deluxe, Man's Hostel opposite to CGR International School, Ayyappa Society, Madhapur, Hyderabad
<b>j.</b>	<b>Address (Permanent)</b>	Mohalla, Batwalan, Near Gol Chabutra, Old Tonk, Old Tonk Police Station Limit , Rajasthan
<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Arrested on 22.01.2016. Presently lodged in Central Jail Tihar, New Delhi

**A-5**


<b>a.</b>	<b>Name</b>	Najmul Huda @ Najmu @ Arman @Ameer Askari-Al -Hindi 
<b>b.</b>	<b>Father's Name</b>	Saiful Huda
<b>c.</b>	<b>Age</b>	25 years
<b>d.</b>	<b>Sex</b>	Male
<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	

<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Private Job
<b>i.</b>	<b>Address (Present)</b>	Door No-3-72/3, Shahadat Manzil, Near Usmaniah Masjid Peruda, Mangalore.
<b>j.</b>	<b>Address (Permanent)</b>	Door No-3-72/3, Shahadat Manzil, Near Usmaniah Masjid Peruda, Mangalore.
<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Arrested on 22.01.2016. Presently lodged in Central Jail Tihar-New Delhi


**A-7**

<b>a.</b>	<b>Name</b>	Mohammad Afzal 
<b>b.</b>	<b>Father's Name</b>	Late Abdul Alam
<b>c.</b>	<b>Age</b>	33Years
<b>d.</b>	<b>Sex</b>	Male
<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	
<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Private job
<b>i.</b>	<b>Address (Present)</b>	48/12/1, Main Road Aswat Nagar Bengaluru, Karnataka.
<b>j.</b>	<b>Address (Permanent)</b>	48/12/1, Main Road Aswat Nagar Bengaluru Karnataka
<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Arrested on 16.03.2016. Presently lodged in Central Jail Tihar-New Delhi

**A-8**

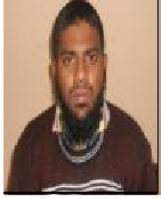
<b>a.</b>	<b>Name</b>	Mohammed Shareef Moinuddin Khan 
<b>b.</b>	<b>Father's Name</b>	Mohammed Masihuddin Khan
<b>c.</b>	<b>Age</b>	58 Years DOB- 19.09.1957
<b>d.</b>	<b>Sex</b>	Male
<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	
<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Private Job
<b>i.</b>	<b>Address (Present)</b>	House No- 9-4-63/146 Nizma Colony, Toli Chowki, Hyderabad
<b>j.</b>	<b>Address (Permanent)</b>	House No- 9-4-63/146 Nizma Colony, Toli Chowki, Hyderabad
<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Arrested on 22.01.2016. Presently lodged in Central Jail Tihar-New Delhi

**A-9**


<b>a.</b>	<b>Name</b>	Suhail Ahmad @ Sohail @ Hafez Saab 
<b>b.</b>	<b>Father's Name</b>	Umer Farooq
<b>c.</b>	<b>Age</b>	22 years
<b>d.</b>	<b>Sex</b>	Male
<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	

<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Private Job, (Stone Polishing Work at Gowripalya, Bengaluru.
<b>i.</b>	<b>Address (Present)</b>	F-14,Mominpura, old Guddada, Halli, Mysore Road, Bengaluru
<b>j.</b>	<b>Address (Permanent)</b>	F-14,Mominpura, old Guddada, Halli, Mysore Road, Bengaluru
<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Arrested on 05.02.2016. Presently lodged in Central Jail Tihar-New Delhi


**A-10**

<b>a.</b>	<b>Name</b>	Asif Ali @ Asif Ali @ Arman Saami 
<b>b.</b>	<b>Father's Name</b>	M.M. Ismile
<b>c.</b>	<b>Age</b>	21 years DOB- 22.01.1995.
<b>d.</b>	<b>Sex</b>	Male
<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	
<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Private Job
<b>i.</b>	<b>Address (Present)</b>	14 <sup>th</sup> Cross, Main Road, Bapuji Nagar, Bengaluru, Karnataka.
<b>j.</b>	<b>Address (Permanent)</b>	14 <sup>th</sup> Cross, Main Road, Bapuji Nagar, Bengaluru, Karnataka.
<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Arrested on 22.01.2016. Presently lodged in Central Jail Tihar, New Delhi

**A-11**

<b>a.</b>	<b>Name</b>	Mohammad Obedullah Khan 
<b>b.</b>	<b>Father's Name</b>	Musaq Ahmad Khan,
<b>c.</b>	<b>Age</b>	33 Years
<b>d.</b>	<b>Sex</b>	Male
<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	
<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Private Job
<b>i.</b>	<b>Address (Present)</b>	House No- 9-4-87/14/1, Owaisi Colony, Toli Chowki, Hyderabad.
<b>j.</b>	<b>Address (Permanent)</b>	House No- 9-4-87/14/1, Owaisi Colony, Toli Chowki, Hyderabad.
<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Arrested on 22.01.2016. Presently lodged in Central Jail Tihar-New Delhi


**A-12**

<b>a.</b>	<b>Name</b>	Mohammed Aleem @ Mezbaan 
<b>b.</b>	<b>Father's Name</b>	Mohammed Saleem
<b>c.</b>	<b>Age</b>	24 years DOB- 22.04.1993.
<b>d.</b>	<b>Sex</b>	Male




<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	
<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Private Job
<b>i.</b>	<b>Address (Present)</b>	House number 8- Basant Vihar, Sector-11, Indira Nagar, Lucknow (U.P)
<b>j.</b>	<b>Address (Permanent)</b>	House number 8- Basant Vihar, Sector-11, Indira Nagar, Lucknow (U.P)
<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Arrested on 22.01.2016. Presently lodged in Central Jail Tihar-New Delhi

**A-13**


<b>a.</b>	<b>Name</b>	Mohammed Hussain Khan 
<b>b.</b>	<b>Father's Name</b>	Mohammad Jameel
<b>c.</b>	<b>Age</b>	36 years DOB- 14.03.1980.
<b>d.</b>	<b>Sex</b>	Male
<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	K9243863,
<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Private Job
<b>i.</b>	<b>Address (Present)</b>	Flat No-204, 2 <sup>nd</sup> floor, Pearl, Harbour Apartment Near, Mazgaon Circle, Mumbai.
<b>j.</b>	<b>Address (Permanent)</b>	Flat No-204, 2 <sup>nd</sup> floor, Pearl, Harbour Apartment Near, Mazgaon Circle, Mumbai.

<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Arrested on 22.01.2016. Presently lodged in Central Jail Tihar-New Delhi.
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**A-14**


<b>a.</b>	<b>Name</b>	Syed Mujahid @ Mujju @ Abu Saad 
<b>b.</b>	<b>Father's Name</b>	Syed Hussain
<b>c.</b>	<b>Age</b>	34 years 21.11.1982.
<b>d.</b>	<b>Sex</b>	Male
<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	
<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Business.
<b>i.</b>	<b>Address (Present)</b>	House number 120, 8 <sup>th</sup> cross, PH Colony CMC, Tumkur, Karnataka
<b>j.</b>	<b>Address (Permanent)</b>	House number 120,8 <sup>th</sup> cross, PH Colony CMC, Tumkur, Karnataka.
<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Arrested on 22.01.2016. Presently lodged in Central Jail Tihar, New Delhi

**A-15**

<b>a.</b>	<b>Name</b>	Imran Khan 
<b>b.</b>	<b>Father's Name</b>	Moazzam Khan


<b>c.</b>	<b>Age</b>	25 years
<b>d.</b>	<b>Sex</b>	Male
<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	
<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Private Job
<b>i.</b>	<b>Address (Present)</b>	3274, Near Bardi Masjid, Vaijapur, TQ-Vaijapur, District- Aurangabad, Maharashtra
<b>j.</b>	<b>Address (Permanent)</b>	3274, Near Bardi Masjid, Vaijapur, TQ-Vaijapur, District- Aurangabad, Maharashtra.
<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Arrested on 22.01.2016. Presently lodged in Central Jail Tihar-New Delhi

**A-16**


<b>a.</b>	<b>Name</b>	Mohammad Azhar Khan @ Ikrama 
<b>b.</b>	<b>Father's Name</b>	Mohammad Taufique Khan
<b>c.</b>	<b>Age</b>	23 years/DOB-07.02.1993
<b>d.</b>	<b>Sex</b>	Male
<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	
<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Student.
<b>i.</b>	<b>Address (Present)</b>	

<b>j.</b>	<b>Address (Permanent)</b>	1, Barkheda, Goharganj, Raisen, Madhya Pradesh
<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Arrested on 01.02.2016. Presently lodged in Central Jail Tihar-New Delhi

**A-17**

<b>a.</b>	<b>Name</b>	Mufti Abdus Sami Qasmi @ Samiullah 
<b>b.</b>	<b>Father's Name</b>	Late Gulam Hussain
<b>c.</b>	<b>Age</b>	46 years
<b>d.</b>	<b>Sex</b>	Male
<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	
<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Maulvi
<b>i.</b>	<b>Address (Present)</b>	House No-132, 2 <sup>nd</sup> Floor, Side Wali Gali, Gonda Chowk, PS- Jafarabad, New Delhi.
<b>j.</b>	<b>Address (Permanent)</b>	House No-132, 2 <sup>nd</sup> Floor, Side Wali Gali, Gonda Chowk, PS- Jafarabad, New Delhi.
<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Arrested on 05.02.2016. Presently lodged in Central Jail Tihar-New Delhi

**A-19**

<b>a.</b>	<b>Name</b>	Shafi Armar @ Shafi @ Yusuf-al-Hindi @ Chhota Nakuwa @ Ahamed Ali @ Anjaan Bhai.  
<b>b.</b>	<b>Father's Name</b>	Hussain Shabeer Armar
<b>c.</b>	<b>Age</b>	29 years
<b>d.</b>	<b>Sex</b>	Male
<b>e.</b>	<b>Nationality</b>	Indian
<b>f.</b>	<b>Passport Details</b>	
<b>g.</b>	<b>Religion</b>	Muslim
<b>h.</b>	<b>Occupation</b>	Member/ Cadre of IM/ISIS
<b>i.</b>	<b>Address (Present)</b>	
<b>j.</b>	<b>Address (Permanent)</b>	SRS 351, Haneefabad 1 <sup>st</sup> Cross, Madeena Colony, Bhatkal, district Uttarakannada. Previous address:- Hazi Manzil, Nawayath Colony, Bhatkal, Karnataka
<b>k.</b>	<b>Whether Arrested/ on Bail/Absconding</b>	Absconding.

**12. Particulars of accused persons not charge sheeted**

<b>1.</b>	Mohammad Abdul Ahad @ Bade Ameer (hereinafter referred to as Ahad/AW-1), aged 48 years, a permanent resident of 68, 4 <sup>th</sup> Cross B.D.S. Nagar, K. Narayanpura, Bengaluru,	Mohammad Abdul Ahad was arrested on 22.01.2016 in the instant case and has been tendered pardon by the Hon'ble Special NIA court.
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	Karnataka	
2.	Ashik Ahammed @ Raja @ Raj son of Sh. Golam Rasul Sekh is a resident of Khamardanga, Majherpara, P S- Dhaniakhali, district Hooghly-712402, West Bengal.	Ashik Ahammed was arrested on 16.03.2016 in the instant case and has been tendered pardon by the Hon'ble Special NIA court.
3.	██████████ @ ██████████ Previous Address: H.No.XXXXXXXXXX Resham Bagh, Golconda, Hyd. 500008 Present Address-XXXXXX Muradnagar, Mehdipatnam. 12-2-280/A, Street Number 6, Dattatri colony, Murad Nagar, Hyderabad- 500028.	He has gone to Syria and joined ISIS with the financial and logistical help provided by the accused A-19, A-2 and A-4.
4.	██████████ resident of XXXXXXXX, Moti Mahal, Golconda Fort, Hyderabad-500008, Telangana	He has gone to Syria and joined ISIS with the financial and logistical help provided by the accused A-19 and A-2.
5.	██████████ @ ██████████ @ ██████████ ██████████ Bara resident of Rajasthan.	(As per information available, the accused is at present in Saudi Arabia).
6.	██████████ son of ██████████ ██████████ resident of H. No. ██████████, Poor House Colony, Police Station Tilak Park, Tumkur Karnataka.	He had attended 02 meetings of ISIS cadres at Tumkur and also at the house of Afzal, respectively.

**13. (i) Particulars of Witness** : Separate list as Annexure -I

## **Examined**

- (ii) List of Document** : Separate list as Annexure –II
- 14. If FIR is false/ action taken** : Not applicable
- 15. Result/List of articles of** : As per Annexure- III

## **Laboratory Analysis**

### **16. Brief of the case :**

**16.1** A credible information was received that the main objective of the Islamic State or the Islamic State of Iraq (ISI) or the Islamic State of Iraq and Al Sham/Islamic State of Iraq and Syria (ISIS) or the Islamic State of Iraq and Levant (ISIL) or the ad-Dawlah-al-Islamiyah-fil-Iraq-Wa-Sh-Sham (DAISH), an international *Jihadi* terrorist organisation is to establish a *Caliphate* by indulging in terrorist activities across different countries in the world including India.

**16.2** As a result, a few known and other unknown Indian youths have expressed their solidarity, allegiance and support to the ISIS in different forms and left India or their place of residence for abroad and joined the ISIS under the influence of persistent indoctrination by their handlers.

### **16. A Allegations Investigated: -**

i) The National Investigation Agency (NIA), Ministry of Home Affairs, Government of India, registered a case RC-14/15/NIA/DLI under section 125 of IPC and sections 18, 18B, 38 & 39 of UAP Act, 1967, registered on 09.12.2015, in compliance with the order, dated 09.12.2015 of the Ministry of Home Affairs, Government of India, against the unknown and unidentified persons involved in the activities of Islamic State (IS) in India and also the Asian Powers at peace with India.

ii) It is alleged that a terrorist organization named Islamic State (IS) or the Islamic State of Iraq and Syria (ISIS) or the Islamic State of Iraq and Levant (ISIL) or the *Ad-Dawalah-Al-Islamiayah-fil-Iraq-Wa-Sh-Sham* (DAISH), with the main objective of establishing an *Islamic Caliphate*, by indulging in terrorist activities, is spreading its base across different countries in the world including India.

iii) And, in furtherance of the larger conspiracy under its leadership, members of the above named organization, in connivance with few resident and non-resident Indians, have been indulging in identification, radicalization, recruitment, training and, finally, transfer of Indian youths to countries such as Syria, Libya, Iraq, etc., for the above mentioned purpose. Members of the Islamic State or Islamic State of Iraq and Syria (ISIS) have been using different RC-14/2015/NIA/DLI

channels/services available on internet, telephones and one to one meetings for fulfilling the objective. The services of internet have been used by the recruiters, trainers and members of the ISIS for indoctrinating and motivating Indian youths for travelling to Syria, Libya, Iraq, etc., for taking part in terrorist activities. As a result, a few known and other unknown Indian youths have expressed solidarity, allegiance and support to ISIS in different forms and left India or their place of residence for abroad and join the ISIS under the influence or persistent indoctrination by their handlers.

iv) That the aforementioned case was registered on 09.12.2015 and the accused Naser Mohamed (A-1) @ Mohamed Naser @ Khalid, son of Packeer Mohamed, resident of house No 17/3, Chinnakadai Street, Thiruppaladurai, Post Office Papanasam, TK Thanjavur, Pin-614205, Tamil Nadu, India, was arrested on 11.12.2015 and several incriminating documents and other articles such as mobile phone, laptop, hand written slip, etc., were recovered from his possession. Subsequently, during the course of investigation, credible information was received from the sources that some more persons are involved in radicalising youths and recruiting them to join the ISIS, an internationally proscribed terrorist organisation. As a result, 14 teams were formed to conduct raids and searches at various locations in Hyderabad, Bangalore, Lucknow, Mumbai, Tumkur and Mangalore to verify the involvement of the aforesaid persons and seize and recover incriminating materials found in their possession or at their place of stay. Officers of the constituted teams were directed to conduct raids and searches in different places assigned to them. Proper authorization under section 165 (3) CrPC was issued to all the officers for the said purpose. On 22.01.2016 and 23.01.2016 fourteen accused persons were arrested from various locations and a number of electronic devices, incriminating literature and materials to fabricate IEDs were recovered from their possession. Consequently, three more persons were interdicted and arrested in this case. A total of 18 accused persons were arrested in this case. The accused, Mohamed Naser (A-1), was charge sheeted on 03.06.2016, on completion of investigation within the legally prescribed period of 180 days. The investigative findings against the remaining 17 accused persons are elaborately discussed and brought on record in the following paragraphs.

#### **17. Facts Disclosed during Investigation:**

A credible intelligence input was received that a module of the ISIS is active in different parts of the country and is engaged in recruiting Muslim youths for the ISIS, a proscribed terrorist organization. The said input was developed and searches and raids were conducted in different cities at different locations. A total of 17 accused persons were arrested in the instant case and incriminating items/materials were seized from their possession. During the custodial interrogation of the accused, it was revealed that the accused persons had



formed an organization by the name of **Junood-ul-Khilafa-Fil-Hind** (a group seeking to establish *Caliphate* in India and pledging allegiance to ISIS/ISIL) to recruit Muslim youths to work for ISIS and commit acts of terrorism in India at the behest of one Yusuf-Al-Hindi @ Shafi Armar @ Anjan Bhai, who is based in Syria and is purportedly the media chief of ISIS. That during the course of investigation it has been established that Shafi Armar had contacted and interacted on web based social media networks with a number of accused persons arrested in this case for the purpose of recruitment, preparation of IEDs, identifying places for training and hideouts and, finally, committing terror strikes at various public places and vital installations in India. For this purpose, all the accused persons conducted several meetings in different cities at different time and dates all across India. Funds were transferred through *Hawala* channels and some of the accused arrested fabricated IEDs to commit terror attacks in India. The accused persons had also visited the isolated and forested region of Vikarabad and Narsapur in Telangana, to identify a suitable place for hide-out and training of its members.

**17.1** Investigation confirmed that the accused persons were using different mobile numbers and they had contacted and interacted with their associates on web based social media networks for the purpose of recruitment, preparation of IEDs, identifying places for training and hideouts and finally committing terror strikes at various public places and vital installations in India. The call detail reports of their mobile numbers were obtained from the mobile network companies concerned. Accordingly, a detailed report reflecting the presence of accused persons at specific tower locations in different cities at different dates and time was prepared. The report fully corroborated the movement and presence of the accused persons at specific locations and time, which is in conformity with the disclosures made by the accused persons in their custodial interrogation. In the report, locations of the accused have been plotted on the Google map. Meetings held in Deoband, Lucknow, Tumkur, Bengaluru, Hyderabad, Vikharabad and Pune have been corroborated by the call data analysis report.

**17.1.1** Investigation has established that the ISIS cadres had received financial assistance through *Hawala* transactions for the purpose of organising meetings, travel expenses, recruitment and training to carryout the subversive activities of ISIS in India. A couple of cadres had also raised funds to facilitate the other cadres to go to Syria to join ISIS and participate in the activities of the Islamic State.

**17.1.2** That during the course of investigation statements of a large number of witnesses were recorded u/s 161 of CrPC. The statements of six witnesses have been recorded u/s 164 CrPC and confessional statements of 03 accused were recorded u/s 164 CrPC. The accused, Abdul Ahad, (mentioned at para

**17.6)** and the accused, Ashik Ahammad, (mentioned in para **17.18)** both kept in column 12 of the charge-sheet filed an application u/s 306 CrPC in the Hon'ble NIA Special Court, Patiala House, New Delhi, on 14.07.2016 through their lawyer for tender of pardon and becoming approvers in the case. The Hon'ble Court directed the NIA to file its reply on the matter, which was duly submitted before the Hon'ble Court, taking into consideration the involvement of the said accused persons in the crime and the facts and circumstances disclosed by them in their confessional statements. That the Hon'ble Court accepted the plea of the accused persons with the conditions, as provided in section 306 in the CrPC and passed an order tendering conditional pardon to the accused on 18.07.2016. Thus, both the accused Abdul Ahad and Ashik Ahammad, have become approvers and hence, they shall, hereinafter be referred to as AW-1 and AW-2, respectively, in the instant case.

**17.1.3** Investigation has further established that the accused persons had organised 09 (*nine*) meetings for the purpose of assigning responsibilities to all the members of *Junood-ul-Khilafa-Fil-Hind*, recruitment of Muslim youths, procurement of weapons, preparation of IEDs, identifying places for training and hideouts and, finally, committing terror strikes at various public places and vital installations in India at the behest of *Yusuf-al-Hindi*. They were all given pseudonyms to hide their real identities. The details of the meetings are as under:

➤ The first meeting was held in the month of August, 2015 at Devarayana, Dargah, State Forest , Tumkur, Karnataka in which the accused, Syed Mujahid (A-14), Abdul Ahad (AW-1), Mohammed Afzal (A-7), ██████████, resident of Bengaluru and ██████████, resident of Mangalore, were present. In the meeting, the ideology of ISIS, jihad and arrangement of funds for the newly formed organisation to advance the cause of ISIS and Khilafat in India, were discussed.

➤ The second meeting was held on 11<sup>th</sup> September, 2015, at Deoband, Saharanpur, Lucknow, UP, in which the accused, Mohammad Azhar (A-16), Mudabbir (A-3), Rizwan @ Khalid (accused in RC-02/2016/NIA/Mum), Mehraz and Akhlaq (accused in RC-09/2016/NIA/DLI) were present. The said meeting was organised to ensure for better coordination among like-minded persons who were inclined towards ISIS/ISIL, and motivated to work for the cause of ISIS in India at the behest of Yusuf-Al-Hindi, an ISIS operative based in Syria.

➤ The third meeting was held at Tumkur Hills (Nijgal Fall), Karnataka and the participants in the meeting were the accused Syed Mujahid (A-14), Abdul Ahad (AW-1), Mohammed Afzal (A-7), Asif Ali (A-10) and ██████████, ██████████ and ██████████. The purpose of this meeting was to test their physical endurance by

trekking in the mountainous region. The participants also held discussions on *Khilafat* and spreading the ideology and the base of the ISIS in India.

➤ The fourth meeting was held in the house of the accused, Suhail (A-9), on 24<sup>th</sup> October, 2015, in Bengaluru and the meeting was attended by the accused, Nafees Khan (A-2), Najmul Huda (A-5), Abdul Ahad (AW-1) and ██████, resident of Bengaluru. The motive of the meeting was to recruit more cadres for *Khilafat* and to strengthen the organisation.

➤ The fifth meeting was held on 25<sup>th</sup> October, 2015, in the house of Afzal (A-7) in Bengaluru. The meeting was attended by Abdul Ahad (AW-1), Mohamed Afzal (AW-2), Asif Ali (A-14), Syed Mujahid (A-11), Najmul Huda (A-5), Nafees @ Abu Zarrar (A-2), ██████ and ██████. The agenda of this meeting was to establish *Khilafat* in India and to expand the support base of the ISIS in India, which, in turn, would lead to the establishment of *Khilafat* in India. The members of the group were also assigned specific roles and responsibilities to further the cause of ISIS and *Khilafat*.

➤ The sixth meeting was hosted by the accused, Mohammed Aleem, (A-12) in Lucknow, in the house of his uncle Imran and the meeting was attended by the accused, Nafees Khan (A-2), Mudabbir Mushtaq Shaikh (A-3), Mohammad Hussain Khan @ Jameel (A-13), Rizwan Ahmed @ Khalid @ Azad (accused in RC-02/2016/NIA/DLI), Ikrama @ Azhar (A-09) and Mohammed Aleem (A-12). Two more sympathisers/supporters of ISIS, Azeem and Osama, accompanied the accused, Azhar (A-16), but both were asked to go back as they were not invited for the meeting. The meeting was organised at the behest of Yusuf (A-19) with an agenda to establish *Khilafat* in India and formation of an organization, namely, "***Junood-ul-Khilafa-Fil-Hind***", which will derive its inspiration from the ideology of the ISIS and struggle to achieve the goals and objectives of the ISIS.

➤ The seventh meeting was held in the house of Mohammed Shareef Moinuddin (A-8) on 14-12-2015 at Hyderabad and the participants of the meeting were the accused, Syed Mujahid (A-14), Nafees (A-2), Obedullah Khan (A-11), ██████ and ██████ (currently both of them are in Syria and have joined the ISIS) and ██████, resident of Mangalore. The meeting was organised to persuade all the members for *hijrat* to Syria and various issues related with *Khilafat* and ISIS were also discussed.

➤ The eighth meeting was held in Pune on 17<sup>th</sup> or 18<sup>th</sup> of December, 2015, at the house of ██████ in which the accused, Nafees Khan (A-2), Abu Anas (A-4), ██████, ██████ and ██████, wife of ██████, were present. The motive of the meeting was to recruit more cadres for *Khilafat*, to raise and develop software for secure communication among the members of *Junood-ul-Khilafa-Fil-Hind*.

➤ The ninth meeting of the group was held at the house of Mohammed Shareef Moinuddin (A-8) at Hyderabad on 15-01-2015 and the participants in the meeting were the accused, Abu Anas (A-4), Nafees (A-2), Obedullah Khan (A-11), and ██████, ██████ and ██████. The meeting was organised to persuade all the members for *hijra* to Syria and various issues related with Khilafat and ISIS were also discussed.

**Nafees Khan @ Zarrar (A-2)**

**17.2** Investigation revealed that the accused, Mohamed Nafees Khan @ Fatima Khan @ Abu Zarrar @ Akram @ Hydra, aged 22 years, son of Mohamed Afsar Khan, resident of House No. 5-33, Nacherla, Gandeed, Ranga Reddy District, Telengana, present address: Amena House, No.9-4-87/A/28, Amena Colony, Shaikpet, MD Lines, Toli Chowki, Hyderabad-08, (hereinafter referred to as Nafees/A-2) studied up to class III, through Telugu medium. Besides, he has good knowledge of Hindi, Urdu, Telugu and English languages. He came to Hyderabad in the year 2012, to find a job and started to drive an auto rickshaw on daily rent basis. He then worked as a salesman in a Tile shop at Toli Chowki, Hyderabad. Over a period of time, Nafees was drawn towards Islamic theology, especially the one subscribing to violent jihad. To begin with, Nafees started browsing social media websites, to know more about the latest developments in the world *vis-à-vis* the activities of the jihadists. Hence, he started browsing a website called '*Dawat-e-Haq*' (a non-political Islamic organisation based in Pakistan). He was obsessed with the videos and photographs posted on the website. The images of ██████ on the site drew his keen attention. Thereafter, Nafees opened a Facebook account in the name of 'Nafees Khan'. Gradually, he turned on to browsing information/news on ISIS posted on the '*Dabiq*' (a propaganda magazine of ISIS/a mouthpiece) Page.

**17.2.1** That the accused, Mohamed Nafees, (A-2) was arrested on 22.01.2016 in the instant case. During the search conducted at his residential premises, incriminating documents, materials for fabricating IEDs, live explosives, mobile phone, sim cards and a laptop were recovered through seizure memo, dated 22.01.2016. Out of the seized articles, electronic devices were sent to CERT-In for analyses and expert opinion thereon.

**17.2.2** Investigation substantiated that A-2 became a frequent user of *Facebook*, in beginning of the year 2014, and received a request from one ██████ (currently in the UAE) through his *Facebook* account of ██████. Nafees accepted his request and started chatting with him. Through ██████, A-2 came in contact with one Khalid @ Rizwan Ahmed @ Azad (accused in RC-02/2016/NIA/Mum). Khalid @ Rizwan Ahmed @ Azad, told Nafees that he was from Hyderabad but at times operates from UP as well. Nafees Khan shared with Khalid his *Nimbuzz Id* '*anjaaanbhai*'. During the month of August, 2015, the

same Khalid of UP contacted Nafees through Trillian, an instant messaging app, and introduced him to one Gumnam@Yusuf of Syria (accused A-19). Nafees (A-2) was determined to know about the developments in Syria, and, therefore, he started communicating with Gumnam@Yusuf. During the course of the said communication, Gumnam @ Yusuf started sending Islamic theological and jihadi literature including ██████████' to Nafees Khan, which slowly radicalized Nafees and he eventually became inclined and motivated towards militant jihad. Yusuf was also instrumental in inspiring other likeminded Muslim youths, including but not limited to some of the accused arraigned in this case to advance the cause of ISIS and militant jihad. As a result, the accused persons arrested in this case formed an organisation called *Junood-ul-Khilafa-Fil-Hind* in the month of October, 2015 and organised secret meetings in different cities in India, with the aim and objective of mobilizing support, recruiting Muslim youth, raising funds, training its members, fabricating IEDs and committing terrorist strikes at vital installations and public places in India.

**17.2.3** Investigation has substantiated that the accused A-19 had sent *Jihadi literature* to Nafees Khan, including audios and videos, through web based social media networks to motivate him. The data recovered from the mobile phone and laptop of the accused by CERT-In corroborates this fact. A-19 had also sent videos on jihadi training to Nafees Khan, which were recovered from the electronic device (HDD) seized from him. A-19 had sent Nafees a link of "just paste.it/Dekho" and told him to download the material for fabricating explosive devices. It was because of the material obtained through the said link that Nafees tried to fabricate an IED. Literature for bomb making and explosives along with materials for fabricating IEDs were seized from the accused person at the time of the search at his residential premises, in the presence of two independent witnesses. Moreover, Gumnam @ Yusuf had specifically instructed Nafees to download "Nimbuzz", "surespot" and "Trillian" chat applications so that the communication between them could continue, without being detected by investigation/intelligence agencies. It was Yusuf, who motivated Nafees to adopt the path of violent jihad, recruit gullible persons from all over India and ultimately work for the cause of establishing an *Islamic Caliphate* in India. Gumnaam @ Yusuf instructed Nafees to form an organisation and name it as "***Junood-ul-Khilafa-Fil-Hind.***" The explosive seized from the house of the accused was sent for defusal to the In-charge, Bomb Disposal Squad, Hyderabad on the directions of the Hon'ble NIA Special Court, New Delhi. Subsequently, the In-charge, BDS, Hyderabad, sent his defusal report and remnants of the explosives along with report were forwarded to the Hon'ble Court for record.

**17.2.4** During the course of investigation, it was also established that the accused Yusuf @ Gumnam (A-19), directed accused, Nafees Khan (A-2), to attend a meeting with Khalid @ Rizwan @ Azad to be held at Gorakhpur, UP, for RC-14/2015/NIA/DLI

establishing / setting up an organization in support of *Khilafat* and the *ISIS* in India. He reached Gorakhpur on 25<sup>th</sup> September, 2015, at about 1600 hrs. After reaching Gorakhpur Railway Station, he contacted Azad @ Khalid @ Rizwan on 'Trillian' and texted him about his arrival. The purpose of the visit of Nafees to Gorakhpur was to meet Rizwan @ Khalid physically, as per the direction of *Yusuf Al Hindi*, and to decide about the organizational structure of *ISIS* in India in consonance with the Shura Council. While discussing various issues at the Masjid, Rizwan unexpectedly asked Nafees for some money and Nafees gave him Rs. 3000/-.

**17.2.5** Investigation confirmed that on 1<sup>st</sup> November, 2015, a meeting was held in Lucknow, at the behest of the accused Yusuf (A-19), with an agenda to establish *Khilafat* in India and formation of an organization, namely, "**Junood-ul-Khilafa-Fil-Hind**", which will derive its inspiration from the preaching's of *ISIS* and struggle to achieve the goals and objectives of the *ISIS*. The members will communicate among themselves through chat application 'Trillian' to ensure that their communication is secured. The organisational structure of the new organisation was discussed along with the future strategy to acquire resources like weapons, explosives and place for training in order to fight the Government and Shia Muslims. The meeting was hosted by the accused, Mohammed Aleem, (A-12) of Lucknow. The meeting was attended by the accused, Nafees Khan (A-2), Mudabbir Mushtaq Shaikh (A-3), Mohammad Hussain Khan @ Jameel (A-13), Rizwan Ahmed @ Khalid @ Azad (Accused in RC-02/2016/NIA/Mum), Ikrama @ Azhar (A-16) and Mohammed Aleem (A-12). Khalid @ Rizwan Ahmed told the gathering that Yusuf had asked him that, in the meeting, they must assign role and responsibilities to its members. Hence, discussion was held and it was decided that Ikrama @ Azhar (A-16) of MP, will be the Ameer for the whole of India. Khalid @ Rizwan informed all the participants that he would have to discuss the issue with Yusuf-Al-Hindi (A-19) for taking his approval. Later, in the evening, when Yusuf (A-19) came online with Khalid, he was informed about the decision of designating Ikrama @ Azhar (A-16) of Bhopal, Madhya Pradesh, as 'Ameer', which absolutely infuriated Yusuf @ Gumnam. He was not happy with the decision taken in the meeting as Ikrama was not senior enough to become an Ameer. Yusuf Al-Hindi, at that time, wanted to address all the members who attended the meeting. Nafees (A-2) had a *skype* account on his mobile phone. Thus, Yusuf made a voice call (VOIP) to Nafees's phone on *skype* and the call was set on speaker mode so that all the participants present could hear the views and opinion of Yusuf.

**17.2.6** Investigation established that as suggested by Yusuf @ Gumnam, the post for the "*Ameer-e-Hind*" was decided to be given to Mudabbir Mushtaq Sheikh @ Farooq (A-3), as such, Farooq became the Ameer. Ikrama was designated as *Askari Ameer* and Nafees was designated as *Maliyat Ameer*. Yusuf

also informed that the person who will take over as the *Media Ameer* was at present outside India and would take over his responsibilities, on his return to India. However, the meeting ended in a stalemate as no agreement could be reached regarding the responsibilities to be assigned to all the members present, as there were divergent views among the members present. Next day, the members offered Namaz at a Mosque near Munsi Pulia. At that time, Mudabbir Mushtaq Sheikh @ Farooq (A-3) gave a sum of Rs. 8000/- to Nafees, as he was the *Maliyati Ameer*. The money was to be handed over to Ikrama @ Azhar (A-16) for buying an Android Phone for better communication among the members of the group.

**17.2.7** Investigation further revealed that, on the direction of the accused, Yusuf @ Gumnam (A-19), Nafees (A-3) met Mudabbir @ Farooq (Ameer of Mumbai {A-3}) in Andheri on 31.12.2015, at Versova Beach, Mumbai, and received Rs. 50,000/- from Mudabbir with a direction to purchase a mobile phone for Raj @ Ashik Ahmed (AW-2) of West Bengal. Accordingly, Nafees (A-2) purchased one Micromax Canvas mobile phone (android) for a sum of Rs. 7400/- and, subsequently, the mobile phone was seized from the accused, Ashik Ahmed (AW-2). Out of Rs. 50,000/-, A-2 also purchased one Dell laptop for himself for better communication with his associates. The same laptop was seized from the possession of the accused at the time of his house search, in the presence of independent witnesses. The balance amount was used for logistical purposes. Nafees had also purchased 10 Aircel SIM's from one person who is working in an Aircel outlet owned by one Imran, located at Toli Chowki, Hyderabad, Telangana, out of which Nafees had given 4-5 SIM's to Obedullah Khan (A-11) of Hyderabad who has a computer shop in the name of "Computer Point" in Toli-Chowki. Nafees had paid Rs. 1000/- for 10 SIMs without submitting his Identity proof.

**17.2.8** Investigation further confirmed that around October 20/21, 2015, (A-2) was in Mumbai. He decided to organise a meeting in Bengaluru city. He travelled from Dadar (DR), Mumbai, to Bengaluru (SBC) by train on 23.10.2015. Accused Asif Ali (A-10) received him at the railway station on the direction of Najmul Huda (A-5). On 24<sup>th</sup> October, 2015, a meeting was held in the house of the accused, Suhail Ahmed (A-9), which was attended by five accused persons, namely, Asif Ali (A-10), Najmul Huda (A-5), Abdul Ahad @ Abu Ali (AW-1), Nafees (A-2) and one [REDACTED], who is a friend of Asif Ali (A-10). In the meeting, it was decided that the participants in the meeting henceforth would assume pseudonymous identities (*kunniyat*), which will help in concealing their real identities and the agenda for the meeting would be discussed in the meeting to be held on the following day. Hence, the members were to be known by the following names; a). Najmul Huda as *Arman*, b). Asif as *Armansani*, c). Abdul Ahad as *Abu Ali*, d). Nafees as *Fatima or Abu Zarrar*. That night, Nafees, Najmul,

Asif and Suhail stayed at Asif's stone polishing factory in Bengaluru and shared some videos of ISIS and some books in pdf file like "Fateh-ul Jauad". Train ticket of Nafees (A-3) from Dadar to Bengaluru was procured from the concerned Indian Railway authorities.

**17.2.9** Investigation has confirmed that on 25.10.2015, a meeting was again held in the house of Mohamed Afzal (A-7) at Bengaluru. The meeting was attended by Abdul Ahad (AW-1), Mohamed Afzal (A-7), Asif Ali (A-10), Syed Mujahid (A-14), Najmul Huda (A-5), Nafees @ Abu Zarrar (A-2), [REDACTED] and [REDACTED]. The agenda for the meeting was to establish *Khilafat* in India, propagation of the Ideology of ISIS and to assign different roles and responsibilities to every member present in the meeting. Nafees Khan (A-2) chaired the meeting and he asked all the members present to take a pledge that "we should all adhere to the exact terms and conditions that will be discussed in the meeting, and we need to show our complete obedience to these terms, and the oath ended with the words, Allah is our witness". Nafees (A-2) spoke at length on 'Hadith' & 'Khilafat'. He also discussed collection of 'Baitul Maal'-(Subscription/Chanda) for the cause of *Khilafat*. Then, Nafees spoke about the issues related with 'Khilafat' and Jihad. He emphasised on the need to give a concrete shape to the organizational structure of "Junood-ul-Khilafa-Fil Hind". The structure of the organisation in Karnataka was decided to be as under:

Ameer--- ????? (The post was kept vacant as the accused didn't want to disclose the name of Yusuf- Al-Hind {A-19})

Naib Ameer--- Mohammed Nafees (A-2)

Ameer-e-askari /Mali Ameer/ Dawat-e-Ameer--- Najmul Huda (A-5)

Media Ameer - Abdul Ahad, (AW-1)

Dawat-e-Ameer - Asif @Arman Sani (A-10)

Though, everybody present in the meeting, agreed with the decision, only two persons, viz., Abdul Ahad and Afzal refused to take up their responsibilities. The structure of the organisation was as under:





*The above picture showing the organisational structure of Junood ul Khilafa Fil Hind was recovered from the room of Nafees Kahn (A-2) during the search conducted on 22.1.2016, at his residential premises.*

**17.2.10** Investigation further revealed that during the month of December, 2015, (A-2) organised a meeting in Pune on 17/18 December, 2015, with one Bilal. Abu Anas (A-4) also came with two other persons to Pune. The motive of the meeting was to recruit more cadres for *Khilafat*, raise funds for their organisation and develop software for secure communication among the members of *Junood-ul-Khilafa-Fil-Hind*. In this regard, statements of witnesses were recorded u/s 161 CrPC, which corroborated the presence of the accused persons and their meeting in Pune. The details of the meeting are mentioned in Para No. **17.4.4** of this charge-sheet.

**17.2.11** Investigation revealed that Nafees (A-2) also came in contact with Mohammed Shareef Moinuddin Khan (A-8), who lives in the neighbourhood of Nafees in Hyderabad. A meeting of the group was conducted in the residential premises of (A-8) in the month of January, 2016 in which Najmul Huda @ Nazmu (A-5), Suhail Ahmed @ Sohail @ Hafeez Saab (A-8), Obedullah Khan @ Obaid (A-16) and one ██████ @ ██████ (resident of Bengaluru) and Mohammad Shareef Moinuddin Khan were present. Nafees (A-2) discussed with them the issues pertaining to ISIS and persuaded them for '*hijrat*' (*migration*). A-2 also showed a pipe bomb to Mohammed Shareef Moinuddin Khan (A-8) at his residence and A-8 also accompanied A-2 to the forest area of Vikharabad, Telangana, for identifying a safe location for hide-out and training.

**17.2.12** Investigation has substantiated that, at the behest of Yusuf @ Gumnam (A-19), the accused Nafees (A-2) started looking for safe locations in remote forest areas in order to identify a safe place for setting up a training camp and to use it as a hide-out. Accordingly, Nafees (A-2) along with Abu Anas (A-4) and ██████ first went to Vikarabad (Moinabad) and then to Narasapur, forest near Hyderabad on 13<sup>th</sup> & 14<sup>th</sup> of January, 2016, to identify a safe location. On 13<sup>th</sup> of January, 2016, Nafees visited Vikarabad (around 75 Km away from Hyderabad) along with ██████ @ ██████, ██████ @ ██████, Obedullah (A-11), Sharif Moinuddin (A-8) and Abu Anas (A-4) in an Innova vehicle of ██████ @ ██████ bearing registration number AP 09-CG-XX81 (Grey colour) to find a suitable place for physical training of the members of the organisation. Mohammed Shareef Moinuddin took all of them to an isolated farm house which he said belongs to one of his friends, namely, ██████ (Lawyer by profession) which was apparently identified as a safe hide-out for their group's future activities. This farm house was taken on lease by one ██████. They also visited Nagasamuderam, Kotpally Project (Dam) where all of them did boating and kayaking. There, they tested their physical fitness against the nature and returned to Hyderabad on the same day. In this

regard statement of one witness was recorded u/s 161 of CrPC and CDR analysis report has also corroborated the aforementioned facts. Further, A-2 had revealed the same facts in his disclosure and subsequent Pointing-out Memo, dated 08.02.2016.

**17.2.13** Investigation affirmed that the very next day, i.e., on 14.01.2016, Nafees visited Narsapur Forest (40 Kms away from Hyderabad) along with ██████████ @ ██████████, ██████████ @ ██████████, and Abu Anas (A-4) in the Innova vehicle of ██████████ @ ██████████ which was also used the previous day. One person, namely, ██████████, known to ██████████ @ ██████████, from Narsapur area also accompanied them from Narsapur to the said forest area. Accused A-2 also took an IED (pipe bomb) with him, which he had made himself at his house, to conduct a test and demonstrate it to the members of his group. However, he could not find a suitable place for conducting such a test/demonstration.

**17.2.14** Investigation has substantiated that on 03.01.2016, Nafees (A-2) boarded a train from Borivali, Mumbai, to Durgapur, West Bengal. During the journey Nafees was regularly in contact through chat applications with Ashik Ahammad @ Raj (AW-2). On 05.01.2016, Nafees reached Durgapur where he was received by Raj (AW-2) at 1400 hrs. From there, both of them boarded a bus for Rajbandh (Burdwan) and reached Rajbandh at about 1730 hrs. The accused, Nafees, stayed at Raj's place that night and handed over a Micromax Canvas Juice-2 android mobile phone to Raj, as per the directions of Yusuf-al-Hindi (A-19). He also shared applications like Trillian, Surespot, Skype and Quran through bluetooth from his memory card with Ashik (AW-2). Further, as per the directions of Yusuf Al-Hindi, a Trillian Id "ansar12" was created on that phone. Thereafter, A-2 and AW-2 discussed about *Khilafat*, the need to expand the base of the organization and procurement of weapons for their cause. Raj (AW-2) also informed Nafees (A-2) that Yusuf-Al-Hindi is also on Facebook by the name of Ahmed Ali. The said phone was recovered from Ashik Ahmed at the time of his arrest in the presence of two independent witnesses.

**17.2.15** Investigation established that on 06.01.2016, Raj (AW-2) accompanied the accused Nafees at about 0430 hrs in the morning for Tarakeshwar, which takes around 5/6 hrs of journey time from Raj's place. The purpose of visiting Tarakeshwar was to book a return ticket for accused Nafees and also to meet some friends of Raj. AW-2 introduced his two friends to the accused, Nafees Khan. During the conversation, one of them, namely, ██████████ (aged about 19 years) told that he knew a person, namely, ██████████ @ ██████████ @ ██████████, who is a mason by profession and his village is somewhere near the Bangladesh border. He further disclosed that ██████████ can help them in getting weapons. In the evening, at about 20:30 hrs, they went to meet ██████████ at his place of work. Nafees enquired from ██████████ the ways and means

of obtaining bombs and weapons in Bengal. ██████████ responded that he knew one person who could even arrange weapons like AK- 47. Later on, Nafees (A-2) delivered a speech in a meeting and announced that they had murdered the Judge who punished Saddam Husain with death, for the sake of Islam. Nafees (A-2) also shared his plan to establish a base camp in that area for future activities and took an oath in Arabic language. Nafees (A-2) along with Raj spent that night at ██████████ place of work, i.e., in the house of ██████████ of Khotipara, PS- Dhaniakhali, District Hooghly, West Bengal. Nafees also tried to motivate ██████████ and ██████████ @ ██████████ to join the ISIS. The next morning, i.e., on 07.01.2015, the accused, Nafees, along with Raj left for Howrah Railway Station for his onward journey to Lucknow. In this regard, train ticket of accused, Nafees, has been obtained from the Railway authorities and statements of two witnesses have been recorded u/s 161 CrPC and confessional statements recorded u/s 164 CrPC, which categorically affirm the aforesaid facts.

**17.2.16** Investigation established that the accused, Mohamed Nafees (A-2), had tried to make IED. The seized material for fabricating IEDs along with the GI pipe was forwarded to the DFS Gandhinagar, Gujrat, for forensic examination and expert opinion. The expert opinion was furnished by the DFS, Gandhinagar, on 08.07.2016. As per the opinion, *“Potassium and Nitrate radicals, aluminium powder, free sulphur and carbon are detected in exhibit mark-AA-1, AA-6 and Exh-AA8 and Exhibit-AA7 is a quartz clock. Analysis of the clock shows that hour hand was found Missing and one wire without insulator is rounded on minute hand of the clock. One open wire with stand is also placed at 3’ o clock condition and it is fixed. The minute hand is in moving condition with open wire. When the minute hand reached at 3 o’clock position, two open wires connected with each other to complete the connection. One additional connector was also connected with the clock. Using this connector 9V battery i.e. Exh-11 can be connected with the clock and output of this voltage can be used as a trigger to primary device”* corroborates the preparation of IEDs and their planning to commit terror strikes at various public places and vital installations in India.

**17.2.17** Investigation established that accused, Mohamed Nafees, (A-2), had used different social media platforms and mobile phone numbers to interact with his associates and likeminded people. An i2 link-chart of inter connectivity of A-2 with other co-accused was also prepared on the basis of the disclosure made by the accused and CDR analysis of mobile numbers used by A-2.

**17.2.18** Investigation revealed that accused, Nafees (A-2), was using internet facility on his mobile to access internet and social media networks viz. Facebook, Skype, Trillian, WhatsApp etc. to communicate with other co-accused. IPDR (Internet Protocol Detail Report) was procured from the

concerned network companies. The analysis report of the available IPDR is placed on record.

**Mudabbir Mushtaq Shaikh (A-3)**

**17.3** Investigation disclosed that the accused, Mudabbir Mushtaq Shaikh @ Abu Musab Al Hindi @ Abu Musab @ Muddy s/o Mushtaq Ebrahim Shaikh (herein after to be referred as Mudabbir/(A-3), was born on 13-10-1982, at Mumbai and is a permanent resident of 404 Reshma Apartment, Amrut Nagar, Mumbra, Mumbai, Maharashtra. He completed his B Com and also completed 06 months Web Programming Course from St. Angelo's, Nalasopara, Thane. A-3 knows Hindi, Urdu, English and Marathi languages. After the 09/11 attacks on the American World Trade Centre, he was very unhappy as everyone was referring to Muslims as terrorists. After this attack, he felt that the Muslim community was being treated as second class citizens and there was hatred against the Muslims amongst the general public. He was disturbed due to the daily news reports in the media regarding the atrocities committed against Muslims all over the world, and, as such, he got motivated to become a *jihadi*. Further, in the year 2007, he had seen the profile of a person/group namely **Mujahid Fi Sabiullah**, (on Orkut) who was fighting with the Americans in Afghanistan. He messaged him that he was also interested in joining *jihad*. The said person/group *Mujahid Fi Sabiullah* replied to him and asked him to contact him at *Jamat-e-Islami Hind*. He started visiting *Jamat-e-Islami Hind* office at Byculla, Mumbai, and attended several programs of *Jamat-e-Islami Hind* at Mumbai and got radicalized towards *Jihad*.

**17.3.1** Accused Mudabbir (A-3) was arrested on 22.01.2016 from his residence. During the search conducted at his residential premises; 07 mobile phones, a hard disk, a camera, incriminating documents, material for fabricating IEDs and Rs. 1,95,000/-, in cash, were recovered through seizure memo, dated 22.01.2016. Electronic devices seized from the accused were sent to CERT-In for analyses and expert opinion thereon.

**17.3.2** Investigation further disclosed that in the month of May or June, 2013, A-3 searched about the *Khilafat* on Facebook; as a result of which he found four pages/accounts with regard to *Khilafat*. When he posted his comments on this page, he got a message from Yusuf-Al-Hindi (A-19). Yusuf chatted with him and told him that he belonged to the ***Ansar-ut-towheed (AUT)*** group and was fighting against Americans in Afghanistan. After some days, Yusuf-Al-Hindi created a *Skype* account for Mudabbir and also sent him the password of this account with a direction that, in future, they would be chatting on *Skype*. Further, in June, 2014, Yusuf (A-19) informed him that he had become the follower of Al-Baghdadi of ISIS/ISIL, had taken a pledge (*Al-Bait*) and was proceeding to Syria to join the ISIS. After that, there was no contact with him for about three months. After three months, Yusuf (A-19) contacted

Mudabbir (A-3) on skype and informed him that he had joined ISIS and he also intimidated him that he had nominated him as a follower/pledger (Al-Bait) of Al-Baghdadi/ISIS.

**17.3.3** Investigation substantiated that Yusuf (A-19) advised A-3 to learn to make a timer bomb by using a mobile phone. He told him that if both the wires of the speaker of a mobile are disconnected and a torch bulb is placed in between these wires and an alarm is set on the mobile, then as and when the alarm rings, the bulb fixed with the wire will start glowing and produce electrical charge for an IED. He also stated that such mobile timers were very useful in fighting against the Americans in Afghanistan. Thus, at the instance of Yusuf (A-19), Mudabbir (A-3) purchased one Yeptel mobile, a soldering rod, soldering wire, etc., to prepare a mobile timer and also conducted some experiments. The aforesaid materials to fabricate a timer bomb were seized by the NIA during the house search of the accused, Mudabbir, (A-3), in the presence of two independent witnesses, on 22.01.2016.

**17.3.4** Investigation further substantiated that the accused, Yusuf (A-19), also instructed him to learn to make IEDs by using matchstick powder. Mudabbir (A-3) also checked the internet for making IEDs and purchased 20 matchbox packets (each containing 10 match boxes) from the market. A-3 was planning to make a pipe bomb by using the incendiary material at the head of the match-sticks as explosive for the said bombs. The preparation of pipe bombs was mainly to carry out blasts across different parts of India. These matchbox packets were seized by the NIA during the search of his house, in the presence of two independent witnesses. The recovered matchboxes and other material for fabricating IEDs were sent to the DFS, Gandhinagar, Gujrat, for forensic analysis. As per the expert opinion, "*Exhibit-AA2/1 is a mobile phone. Two wires (red & black) were connected with the circuit board of the cell phone which shows that it can be used for switching/ trigger action, Potassium and chlorate radicals are detected in exhibit mark AA-5 (AA5-1 to AA5-19)*" and other exhibits were found in working conditions.

**17.3.5** Investigation confirmed that A-19 had funded cadres of ***Junood-ul-Khilafa-Fil-Hind*** with funds received through Hawala channels for the purpose of organising meetings, travel expenses, recruitment and training to enhance the subversive activities of ISIS in India. Members of the group also raised funds to facilitate some radicalized Muslim youths to go to Syria to join ISIS and participate in its activities. Once during a chat with Yusuf-Al-Hindi, A-3, expressed his desire to donate some money for *Zakaat*. On which, Yusuf told A-3 that one man, namely, Jameel @ Mohammad Hussain Khan (A-13) will come to collect the money for *zakat* from him. As per their discussions, Jameel (A-13) met Mudabbir at Mumbra, Mumbai, and received a sum of Rs. 50,000/-from him. Before the Lucknow meeting, i.e., around October-November, 2015, Jameel

@ Mohammad Hussain Khan (A-13) gave Mudabbir (A-3) an amount of Rs 60,000/- in cash at Kalwa Chowk Thane, Maharashtra, on the instructions of Yusuf. The fact is corroborated in the disclosure and subsequent Pointing-out memo of Mudabbir (A-3) which was prepared to trace out the money trail in this case.

**17.3.6** Investigation further validated that in or around November, 2015, Yusuf-Al Hindi (A-19) provided a code and a code name to the accused A-3 over *Trillian* Id **Qasrat.sahen** from his Id **farooq309/farooq306**, for receiving a sum of Rs. One Lakh and Six Thousand (Rs 1,06,000/-), through Hawala channels. Upon receiving the said code, he collected the sum of Rs. one lakh and six thousand from a person who is a *Lungi* Seller near JJ Flyover at Dongri area, Mumbai. After collecting the said amount, he conveyed a message of confirmation to Yusuf Al Hindi through the same *Trillian* Id. After a gap of around 15-20 days, Yusuf-Al Hindi provided him another code (which he didn't remember) and directed him to collect a sum of Rs. Four Lakh and eighty thousand (Rs. 4,80,000/-) through Hawala channels, for setting up a base/group for ISIS/ISIL in India. Upon receiving the said code the accused, Mudabbir collected a sum of Rs 4,80,000/- from a person near New Memon street, opposite First Agayari Lane, (Juicewala Gali), Zaveri Bazaar, Mumbai, which was delivered to him on the roadside. In this regard, statement of onther witness was recorded u/s 164 CrPC, and statement of one witness was recorded u/s 161 CrPC which fully corroborated the aforesaid facts. The disclosure memo and pointing out memo were prepared as per the information given by the accused.

**17.3.7** Investigation substantiated that Yusuf-Al-Hindi (A-19) on a number of occasions, instructed A-3, while chatting on internet, to collect funds sent through Hawala channels and to distribute the same to various persons owing allegiance to the ISIS/ISIL. In the month of December, 2015, Yusuf-Al-Hindi directed him to give Rs. 50,000/- to Nafees Khan @ Zarrar (A-2), for purchasing one Laptop and one mobile phone for Ashik Ahmed (AW-2). Details of distribution of funds among the ISIS cadres are as under: -

i) Accused Mudabbir Mushtaq Shaikh further distributed the funds, i.e., Rs.3,00,000/- (Three Lacs) to Malik Banda @ Mohsin, Rs. 50,000/- to accused, Imran Moazzam Khan, Rs. 50,000/- to Mohammed. Hussain Khan @ Jameel, Rs. 50,000/- to the accused, Nafees Khan, and Rs. 22,000/- to Khalid @ Rizwan at the behest of Yusuf-Al-Hindi in the month of December, 2014, or January, 2015.

ii) On the directions of Yusuf-Al-Hindi, Malik Banda @ Mohsin (accused in RC-09/2016/NIA/DLI) further distributed Rs. 50,000/- to one Umar Farooq of Muzaffarnagar, another Rs. 1,50,000/- to two persons at Agra and purchased one mobile phone and clothes for Mustqim for a sum of around Rs. 7000 to RC-14/2015/NIA/DLI

8000/- and the remaining amount was kept by Mudabbir (A-3) for meeting further requirements.

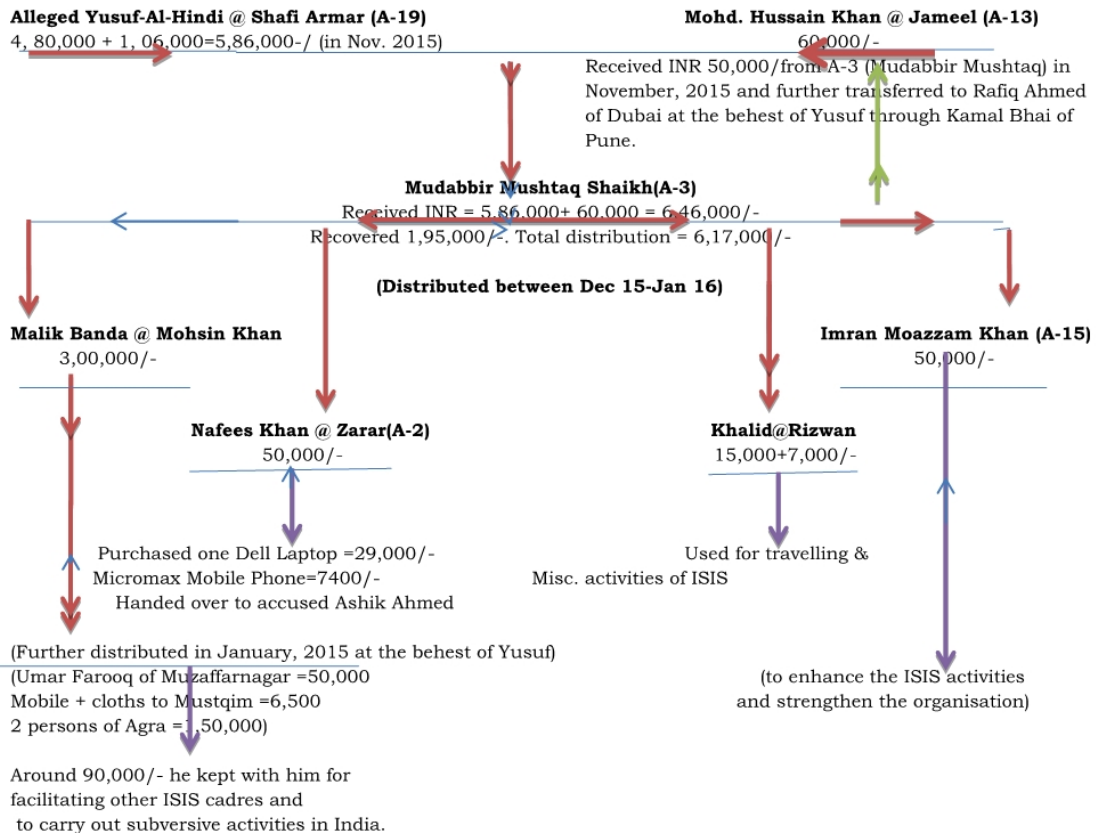
iii) Out of the amount of Rs. 50,000/-, received by Nafees (A-2), he purchased a mobile phone which he handed over the same to another accused, Ashik Ahmad (AW-2), of West Bengal, for secure communication between them (ISIS cadres).

iv) Out of the amount received, the sum of Rs. 50,000 was given to the accused, Imran Moazzam Khan (A-15), on 31<sup>st</sup> December, 2015, which he wanted to utilise for propagating the ideology of ISIS in India.

v) Mohammed Hussain Khan (A-13) had received an amount of Rs. 50,000 from the Mudabbir (A-3), which he further transferred to one Rafiq Ahmed of Dubai through Hawala agent, Kamal Bhai of Pune, at the behest of Yusuf-Al-Hindi, sometime in June, 2015.

vi) Another accused, Khalid @ Rizwan, had used Rs. 22,000 for travelling and other miscellaneous activities in October-November 2015.

**DETAILS OF FUNDS DISTRIBUTED AMONG ISIS CADRES IN CASE RC-14/2015**



Indication:- → Giver/donor; ← Receiver; ↕ Utiliser.

**17.3.8** Investigation confirmed that Yusuf-Al-Hindi (A-19) was the kingpin who connected various individuals, all over India, who were inclined towards the ISIS. Accused (A-19) instructed Mudabbir (A-3) to meet Rizwan @ Khalid @ Azad of UP (accused in RC-02/2016/NIA/DLI) for the first time at Panvel in January, 2015. Thereafter, Mudabbir and Khalid @ Rizwan were in regular contact with each other. On the 11<sup>th</sup> September, 2015, the accused, Mudabbir, and another accused, Rizwan, visited Deoband, Saharanpur, UP, at the instance of A-19, to hold a meeting with Azhar (A-16) for establishing coordination with the local persons inclined towards ISIS/ISIL, who were already being motivated by Yusuf-Al-Hindi. On that night, Meraj (Accused in RC-9/2016/NIA/DLI), Khalid @ Rizwan, Azhar @ Ikrama (A-16) and A-3 had discussions about establishment of Khilafat, and expanding the base of ISIS in India. On the next day, another person namely Akhlaq (Accused in RC-9/2016/NIA/DLI), who was in contact with the accused, Meraj, attended the meeting at the Abu Bakkar Masjid. During the coordination meeting, Azhar @ Ikrama suggested that, since their fight was against the security forces, they should adopt the *guerilla tactics*, as done by the ██████████. In the said meeting, it was discussed that they should purchase a piece of land in a remote area, to operate in a clandestine manner. After attending the meeting, A-3 returned to Mumbai and discussed the developments of the said meeting with Yusuf-Al-Hindi by chatting on the internet. The aforesaid facts are corroborated by the CDR analyses and report and by the statement of one witness recorded u/s 164 CrPC, who was the Imam of Abu Bakkar Masjid and allowed them to stay in his room.

**17.3.9** Investigation revealed that on the 1<sup>st</sup> November, 2015 a meeting was held in Lucknow at the behest of the accused Yusuf (A-19) with the intent to introduce *Khilafat* in India and for the formation of an organization namely “***Junood-ul-Khilafa-Fil-Hind***, which will work to advance the cause of the ISIS in India. The meeting has been mentioned in detail at para No. **17.2.5** of the charge-sheet.

ii) The facts regarding the meeting at Lucknow are corroborated as the airline tickets of the Mudabbir (A-3) and Mohammed Hussain Khan (A-13), confirming their journey from Mumbai to Lucknow on the relevant dates, were obtained from the airlines concerned. The entry registers of travel agents who booked the tickets were also seized and their statements were recorded u/s 161 CrPC. Further, the CDR analysis report in respect of the mobile numbers used by the accused persons also corroborated the meeting in Lucknow.

**17.3.10** That, during the course of investigation, Mudabbir (A-3) disclosed many facts about his interactions over social media with a number of his associates and, subsequently, a number of recoveries were made under section 27 of the Indian Evidence Act. On scrutiny of the recoveries made from his *Trillian Id qasrat.sahen*, it is abundantly clear that the accused, Mudabbir, was



connected with Yusuf-Al-Hindi (A-19) through Trillian Id 'farooq309' and the accused, Nafees Khan (A-2), vide Trillian Id 'Bus.' In December, 2015, all the three aforementioned accused (Yusuf, Nafees and Mudabbir) had a long discussion on funds/expenditure, arms, ammunition and general problems on the path of jihad/khilafat. All three accused used short sentences and code words during the chats with the intent to deceive the security agencies, e.g., *afgn – Afghanistan, AQ- Al-Qaida. T- Taliban k- thousand, etc.* They also discussed the total amount of funds available with them. Extracts of relevant chats between the accused persons were recovered u/s 27 of the Indian Evidence Act, are reproduced below:

**farooq309-** *afgn main... bhai log so ki yahi din ki rotiaon par guzara akarte the Aur.. hum jab tak waha the .... Hume wazife me ...1 hzr milte the jo ke muqam ke...600 rupeee hote hai*

*O bhai hum se kharch nahi hote te.... Hum 4,5 mah jama kar ke waps de dete ya bhaion ke liye kuch le ate the khane ko*

**qasrat.sahen-** *Us wqt AQ se jude the na aap?*

**farooq309-** *aq se bhi the T ke sath bhi*

*Phr aq se aqeede aur manhaj ke mamilem iam ikhtilaf ho gaya tha Aur bhai humare pas kitna amout hai zara bataya.*

**qasrat.sahen-** *6.5*

**farooq309-** *humare ps 6.5 bhai*

*aur apko bata do.....ke ... ye amout...1 din ke liye bhi kafi nahi hai*

**Bus-** *G sahi*

**qasrat.sahen –** *kaise*

**farooq309-** *agr hum ek @ k (AK-47 rifle) lete hai jis ki qimat waha pr abhi chal rahi hai 2.5 se 3 ek ps TI mil rahi hai 35,20 go lion ke sath*

**17.3.11** The recoveries made u/s 27 of the Indian Evidence Act, from Mudabbir's (A-3) yahoo mail [strive\\_hereafter@yahoo.co.in](mailto:strive_hereafter@yahoo.co.in) shows that Yusuf-Al-Hindi had sent him a friend request and Mudabbir had expressed his desire that, "How can I devote my youth for the khilafah?". On this post one Emarat e Islamia Hind responded that, "hmm Asalamalaikum Wr Wb...Brother.... U can bro.... if U want...Insha Allah..."

**17.3.12** Investigation has revealed that Mudabbir (A-3) had used different email Ids and social media platforms for different purposes at different points in time. An i2 link-chart of the inter connectivity of A-3 with other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by A-3.

**17.3.13** Investigation has revealed that the accused, Mudabbir (A-3), was using internet facility on his mobile to access internet and used social media networks viz. Facebook, Skype, Trillian etc. to communicate with other co-accused. IPDR

(Internet Protocol Detail Report) was procured from the concerned network companies. The analysis report of the available IPDR is placed on record.

**ABU ANAS (A-4)**

**17.4** That accused, Abu Anas @ Abu @ Anas (hereinafter to be referred as Abu Anas (A-4), was born on 15/08/91. He is a resident of Mohalla Batwalan, Near Gol Chabutra, Police Station Old Tonk, District Tonk, Rajasthan-30400, presently residing at Room No.404, 4th Floor, Plot No.1122, Sri Venkatarama Deluxe Men's Hostel, opposite CGR International School, Ayyappa Society, Madhapur, Hyderabad-500 081. Accused Abu Anas completed his BCA in the year 2012 and MCA in the year 2015, from Jaipur Engineering College and Research Centre (JECR), Jaipur, Rajasthan. While pursuing his MCA degree, he also learnt about the '*penetration testing (including ethical hacking)*'. A-4 got inclined towards violent *jihad* by listening to the lectures/*bayaan* of accused Mufti Abdul Sami Qasmi (A-17), who in his speeches applauded the deeds of ISIS and hailed them as the true followers of Islam. A-4 was also influenced with a *Tablighi Jamat (a global Sunni Islamic proselytizing and revivalist movement that focusses on urging Muslims to return to orthodox Sunni Islam)* known as '*Tehreek-e-Dawat-Ruju-Illal-Kuran-Wa-Sunnath*'. In this regard, pictures of this *jamat* were recovered from the emails of Abu Anas under section 27 of the Indian Evidence Act. The accused, Abu Anas, was working in, a private company, namely, M/s. Techno World Group, Gun Foundry, in Hyderabad.

**17.4.1** That Abu Anas (A-4) was arrested on 22.01.2016 from Hyderabad. During the search conducted at his residential premises 01 laptop, 02 mobile phones with SIM cards, 01 hard disk, one slip of Western Union voucher for Rs. 40,000/- and incriminating documents were recovered and taken into possession through seizure memo, dated 22.01.2016. Electronic devices seized from his house were sent to CERT-In for forensic analyses and expert opinion thereon.

**17.4.2** Investigation revealed that the accused, Abu Anas, started attending the *Jamat 'Tehreek-e-Dawat Ruju Illal Kuran Wa Sunnath'*, organised by Abdul Rahman. Accused Abu Anas (A-4) came across Mohamed Shareef Moinuddin (A-8) and one ██████████ of Mallepalli, in the month of September/October 2015, (sometime before *Bakarid*). The accused, Abu Anas, and ██████████ planned to organise a Jalsa in Bangalore on the occasion of Mufti Abdus Sami's (A-17) visit to Bengaluru. Hence, both of them boarded a bus and proceeded to Bangalore and stayed in a Masjid. In the Masjid, Mohammad Afzal (A-7), a friend of ██████████, came to meet them. Afzal (A-7) took them to another place and they had a long discussion regarding organising the Jalsa of Mufti Abdus Sami (A-17) and even assessed difficulties which may be encountered, as in an earlier Jalsa of Mufti (A-17), at Tumkur, the local Police had intervened and stopped the Jalsa.

Thereafter, two more persons, Syed Mujahid (A-14) and Abu Ali @ Abdul Ahad (AW-1), came there. Abu Anas (A-4) was introduced to both of them and all of them discussed jihad. Accused Abu Anas got to know that Abdul Ahad was the person who was deported from Turkey for making an attempt to enter Syria and join ISIS, and he also possessed good knowledge of “JAVA” application. Further, Abu Anas exhibited to Ahad his interest in the latest computer applications. Abdul Ahad came up with a proposal to develop exclusive software with “JAVA” application on an android phone, for the purpose of secret communication, as it will be extremely difficult to detect even by the security and intelligence agencies. Abdul Ahad (AW-1) told Abu Anas, too, to ponder on the issue. In the evening, both Abu Anas (A-4) and ██████ came back to Hyderabad.

**17.4.3** Investigation revealed that the accused, Abu Anas (A-4), had met Nafees Khan (A-3) at the residence of Shareef Moinuddin Khan (A-8) on 14.12.2015, where he was invited for dinner. The other persons who attended the dinner were Syed Mujahid @ Abu Saad (A-14), Nafees @ Zarrar, Obedullah @ Abu Talha (A-11) and ██████ @ ██████. It was in this meeting that Abu Anas came to know that Nafees @ Zarrar is the man who was instrumental in sending ██████ and ██████ to Syria via Turkey to join ISIS. Next day, Abu Anas and accused Nafees met again while offering the namaz on 15.12.2015, at Bilal Masjid, thereafter they went to the residence of Nafees (A-2) on the motorcycle of Abu Anas. After which both of them had a long discussion over Caliphate and the activities of ISIS. Accused Nafees showed videos and pictures of ISIS and their activities to Abu Anas and also shared some of videos and pictures on his laptop with Nafees (A-2). These videos and pictures were recovered from the hard disk seized from Abu Anas (A-4) by CERT-In, New Delhi. Accused A-2 motivated accused A-4 to join the ISIS and Abu Anas became determined to join the ISIS and was convinced that as a true Muslim it was his duty to join ISIS and work for the newly declared *Caliphate*. Accused Nafees explained to Abu Anas the structure and hierarchy of ISIS and its functions. He further informed Abu Anas that they have established an organisation in India to work for ISIS and *Khilafat* and its organisational structure has also been decided.



The above mentioned picture has been retrieved from HDD of Abu Anas recovered at the time of his residential premises in front of independent witnesses.

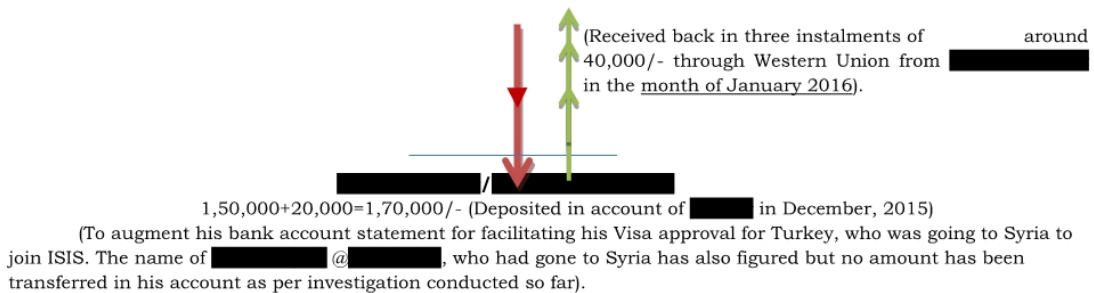
**17.4.4** Investigation established that the accused, Abu Anas (A-4), and Nafees (A-2) planned to go to Pune to meet like-minded persons who were also pro-ISIS. On 17.12.15, Abu Anas (A-4) proceeded to Pune and reached Pune on the following day. In Pune he went to the house of one [REDACTED], resident of Kondwa, who was known to him as he was also associated with Jamaat affairs (*Tehreek-e-Dawat Ruju Illal Kuran Wa Sunnath*). One [REDACTED] & [REDACTED] were also present at his residence. They had a brief discussion on Islam, *jihad* and ISIS. Thereafter, [REDACTED] left the place and Abu Anas made a call to accused Nafees, as he had told Abu Anas (A-4) earlier that he would be at Pune during that same time. Nafees (A-2) instructed him to come near a Masjid. Accordingly, Abu Anas, [REDACTED] and [REDACTED] went to the pre-decided place and met accused Nafees (A-2). After having their lunch at a nearby Dhaba, they again went back to [REDACTED] residence where all of them had a detailed discussion on the establishment of *Caliphate* and discussed ways and means for joining ISIS in Syria. The discussion was mainly focussed on the different routes to be taken to reach Syria. Accused Abu Anas (A-4) and Nafees motivated the others to join ISIS and Abu Anas taught them about '*Signal*' chat application, since the other chatting applications like WhatsApp, Facebook, Instagram, etc., were apparently easily monitored by the security agencies. "Signal" was a new chat application and it was difficult for security agencies to detect it. Accused Abu Anas (A-4) and Nafees (A-2) also motivated others to give *zakat* (financial aid) to their organisation. Subsequently, [REDACTED] and [REDACTED] gave them Rs. 20,000/-. The said amount was transferred to the bank account of accused Abu Anas (A-4) after a couple of days. This fact has been corroborated by the statements of witnesses recorded under section 161 CrPC.

**17.4.5** Investigation confirmed that accused Abu Anas A-4 came in contact with [REDACTED]@ [REDACTED]@ [REDACTED] and [REDACTED]@ [REDACTED]. Abu Anas was held in high esteem by his associates being a computer expert. Abu Anas, Nafees, [REDACTED] [REDACTED] and [REDACTED] used to regularly chat on “Signal” and used to discuss the activities of ISIS. Later on, Abu Anas came to know that [REDACTED]@ [REDACTED]@ [REDACTED] had left for Dubai to go to Syria and [REDACTED]@ [REDACTED] has also gone to Syria via Singapore to join ISIS through the contacts of accused Nafees. Accused Nafees had given both of them some contacts in Turkey, who would guide them into Syria. During the month of December, 2015, [REDACTED] [REDACTED] contacted Abu Anas and asked him to help him financially to go to Syria. Hence, accused Abu Anas deposited Rs. 1,70,000/- in the bank account of [REDACTED]. This was done to augment the bank account of [REDACTED] which would help him in getting a visa for Turkey, from where [REDACTED] was supposed to proceed to Syria to join the ISIS. After reaching Turkey [REDACTED] [REDACTED] transferred money to Abu Anas, through Western Union on three occasions which were received by Abu Anas in Rajasthan in the second week of January, 2016. Bank deposit slips of Abu Anas were procured from State Bank of Hyderabad and have been sent to CFSL Chandigarh for comparison with his specimen handwriting and expert opinion. The result is still awaited. The fact that [REDACTED] [REDACTED] is presently in Syria is corroborated by the statement of one witness, (who was working in Dubai and met [REDACTED] there) recorded under section 161 CrPC. Further it was ascertained in the investigation conducted, that accused Abu Anas (A-4) intended to take a loan of Rs. 2,00,000/- from a commercial bank and proceed to Syria to join ISIS. Once, he was out of the country, he could have easily defaulted on repaying the loan.

**The flow of funds through various channels and its distribution among the accused persons is as given below: -**

**Abu Anas (A-4)**

Abu Anas (A-10) had taken a loan of INR 2,00,000/- with an intention to fly to Syria and defraud the bank.



Indication:- — Giver/donor; — Receiver; — Utiliser.

**17.4.6** Investigation established that the accused Abu Anas, believed that as a true follower of “Islam” (Sunni-Hanifi) he has to travel to Syria and join ISIS.

In India he was already engaged in 'jihadi work' and was extending "Dawat" (invites) to others to join ISIS. Accused Abu Anas was in contact with ██████████ @ ██████████ on his Turkish mobile number i.e., +905319616537 through WhatsApp. ██████████ ██████████ also advised Abu Anas to take a loan from a commercial bank and come to Syria to join ISIS. In the month of December, 2015 Abu Anas went back to Jaipur and submitted an application for visa to Japan (visa processing is easier in Japan) as a tourist and submitted the same through "Blue Dart" courier to VFS Global Delhi. On 10<sup>th</sup> of January, 2016, he received his application back at Hyderabad, since his jurisdictional consulate was Chennai. Visa application was recovered from his room at the time of his house search conducted on 22.01.2016.

**17.4.7** Investigation further established that Abu Anas (A-4) was using different mobile numbers and social media platforms to interact with his associates and likeminded people. An i2 link-chart of inter-connectivity of accused A-4 with other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by A-4.

**17.4.8** Investigation revealed that accused Abu Anas was using internet facility on his mobile to access various web sites and social media networks viz., Facebook, WhatsApp, Skype, etc., to communicate with co-accused. IPDR (Internet Protocol Detail Report) was procured from concerned network companies. The analysis report of IPDR is placed on record.

#### **Najmul Huda (A-5)**

**17.5** Investigation revealed that the accused, Najmul Huda @ Najmu @ Arman @ Ameer Askari-Al -Hindi (hereinafter to be referred as Najmul/A-5), son of Saiful Huda @ Maulana @ Maulana Saab, resident of H.No.3-72/3, Shahadat, Manzil, Near Usmaniah Masjid Peruda, Mangalore, was born at Badharaganj, district Dewariya in U.P, on 01.05.1990. In the year 1994, his family shifted to Permude, Mangalore, Dakshina Kannada, Karnataka. He completed his Diploma in Polymer Technology from KPT, Kadri, Mangalore, in the year 2011. His father was an Imam in a mosque, so the accused had deep rooted interest in religious matters since early childhood.

In due course of time, the accused got interested in the political and religious developments in the Middle-East and used to closely follow the developments in Iraq Syria, and Yemen. The accused was more interested in educating the people of his neighbourhood about the struggle against *Bashar Ul Asad* as he believed in Salafism. He was also keen to know more and more about ISIS. In July, 2014, when he heard about Abubakar-Al-Bagdadi's *Khilafat* in Syria and Iraq. He got attracted towards the Ideology of ISIS and started searching for news and latest information about the activities of ISIS, on social

media, especially through *YouTube* and *Facebook*. Gradually, he found likeminded people on *Facebook* and started chatting with them and tried to share his views and opinions on ISIS. The accused also started to propagate ISISs ideology to a number of like-minded youths through social media.

**17.5.1** Investigation revealed that Najmul Huda (A-5) was arrested on 22.01.2016 from Mangalore. During the search conducted at his residential premises, laptop, 7 (*seven*) mobile phones, pen drive and other documents were recovered and taken into police possession through seizure memo, dated 22.01.2016. Electronic devices seized were sent to CERT-In for analyses and expert opinion thereof.

**17.5.2** Investigation revealed that sometime in January, 2015, one [REDACTED] (friend of A-5), introduced the accused, Asif Ali (A-10), who was also interested in the ideology and activities of the ISIS, to Najmul Huda (A-5). Since Asif and Najmul believed in the same ideology, they became good friends and started meeting frequently. After 2/3 meetings, accused Asif introduced Najmul with his friend Suhail @ Hafeez Saheb (A-9) who was also interested in visiting Syria, the stronghold of ISIS. Accused Asif and Suhail were working in a stone polishing factory owned by Asif's uncle at JJR Nagar, Goripalaya, Bengaluru-23. Thereafter, three of them started holding meetings whenever they got free time at the work place of Asif and Suhail or some other places. They discussed the developments in Syria and Iraq mostly. A-5 was more interested in working in India to spread the ideology of ISIS and advance its cause in India, whereas Asif and Suhail were interested in going to Syria.

The facts mentioned above have been corroborated in the statement of one witness, recorded u/s 161 CrPC.

**17.5.3** Investigation revealed that A-5 frequently used *Facebook* and he used to search and share information and news related with of ISIS on Face Book. During the course of chatting with his Facebook friends in March 2015, A-5 was introduced to one Rizwan @ Azaad @ Khalid (accused in RC-02/2016/NIA/DLI) with Facebook Id "AZAD" by one Wafa of Uttar Pradesh. Rizwan suggested to A-5 to use Trillian app as it was safer and can easily deceive security agencies eavesdropping on them. Hence (A-5) created his Trillian ID as 'najmul' and Rizwan also gave him his Trillian Id "AZADA". In this regard, disclosure statement of A-5 and recovery u/s 27 of the Indian Evidence Act, corroborated the aforesaid facts. Further, incriminating pictures and messages have also been recovered from the Facebook account of the accused Najmul.

**17.5.4** During the course of investigation, Facebook account of Najmul (A-5) was accessed and recoveries were made under section 27 of the Indian Evidence Act. Recoveries made from his Facebook account clearly denote that the pictures on the said account are quite provocative; as they seem to exhort people towards

violent *Jihad*. Moreover, the chats of the accused on Facebook bespeak that he was radicalized, believing in tenets of violent jihad as propagated by ISIS and was articulating the same. Relevant excerpts of chats recovered from his Facebook account are reproduced below:

*“Naasira KhanFriday, January 8, 2016 at 4:57pm UTC+05:30  
Sons of Islam everywhere, the jihad is a duty - to establish the rule of Allah on earth and to liberate your countries and yourselves  
Yasmeen AhmadMonday, December 14, 2015 at 6:54pm UTC+05:30  
wo to mujhe mil hi rhi hai...lekin mujhe thik nahi lag rha hai...tum syria ki ladayi me kyun pad rhe ho?  
Najmul HudaMonday, December 14, 2015 at 6:54pm UTC+05:30  
Mohtarma ..aap ko kya padi ...salery lo..aur maze karo..  
Faizan MansoorSaturday, November 14, 2015 at 8:27am UTC+05:30  
Mirza ArfeenSaturday, December 26, 2015 at 7:22pm UTC+05:30  
Bat sny ....Pakistan ki jihadi tnzeem se batt krone  
Najmul HudaSaturday, December 26, 2015 at 7:20pm UTC+05:30  
Aap rabta karayen. Baqi ham bat karlenge..  
Yasmeen AhmadMonday, December 14, 2015 at 6:39pm UTC+05:30  
oh to tum isis me jaana chahte ho najmul?.....pagal ho gye ho kya?”*

**17.5.5** Investigation established that the accused, Najmul (A-5), was using Facebook account “najmul” and user Id “8747816605”. Recoveries made under section 27 of the Indian Evidence Act, from the Facebook account of the accused, confirm that the accused was frequently chatting with like-minded persons. On scrutiny of the chats recovered, the contents were found to be quite provocative, inciting and calling upon like-minded people to wage Jihad and join the ISIS. Further, the chats reveal that the accused and his associates discussed the latest chat applications like **Trillian** and **Surespot**, which provide facilities like timer for deleting chats, higher uploading capacity and end to end encryption. The discussion shows that the accused and his associates wanted to communicate in a clandestine manner to evade the investigating and intelligence agencies. Relevant excerpts of such chats/messages are reproduced below:

*“Gazy Baba FidiFriday, November 13, 2015 at 7:22pm UTC+05:30  
bhai aap kisi jariye se bhej sakte Trillian lod nahi horaha ham se  
Najmul HudaFriday, November 13, 2015 at 3:39pm UTC+05:30  
Koi rukwat pesh aye to pooch len..  
Gazy Baba FidiFriday, November 13, 2015 at 3:29pm UTC+05:30  
Bhai 1lod kiya37 mb ka wo chalta hi nahi trillian  
Najmul HudaFriday, November 13, 2015 at 3:29pm UTC+05:30  
Install karne k bad jo kuch bhi poochega fake dalden...mere khayal sw ye bat aap mujhsw achchi tarah jante hain  
Najmul HudaFriday, December 4, 2015 at 11:46pm UTC+05:30  
Surespot  
Najmul HudaFriday, December 4, 2015 at 11:46pm UTC+05:30  
Naya aap hai”. \$\$*



**17.5.6** Investigation revealed that in the first week of September 2015 Rizwan gave the contact number of Mohammad Nafees Khan @ Fatima @ Abu Zarrar (A-2) to Najmul (A-5) and asked Najmul to meet him. On the night of 14.09.2015 at about 23:00 hrs Najmul, Suhail (A-9) and one ██████ left for Hyderabad by train in a general compartment and reached Hyderabad, on 18.09.2015 in the morning at about 10:00 hrs. On reaching Hyderabad, Najmul contacted Nafees (A-2) from his mobile number XXXXXX605. From there, accused Nafees took them to his rented house at Toli Chowki, Hyderabad, where they were all introduced to accused Mohammed Shareef Moinuddin Khan (A-8), accused Obaid @ Obedullah (A-11) and ██████. In this regard, statement of one witness has been recorded u/s 161 CrPC which corroborated this meeting.

**17.5.7** Investigation established that, again on 25.10.2015, a meeting was held at the house of the accused, Mohamed Afzal (A-7). The meeting was also attended by the accused, Najmul Huda (A-5). The meeting has been mentioned in detail at para No. **17.2.9** of the charge-sheet.

**17.5.8** Investigation revealed that accused Najmul Huda (A-5) had used different mobile numbers and social media platforms viz. Facebook, WhatsApp, Trillian etc. to interact with his associates and likeminded people. An i2 link-chart of inter-connectivity of accused A-5 with other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by A-5.

**Muhammad Abdul Ahad @ Bade Ameer (Aw-1)**

**17.6** That Mohammad Abdul Ahad @ Bade Ameer (hereinafter referred to as Ahad/AW-1), aged 48 years, is a permanent resident of 68, 4<sup>th</sup> Cross B.D.S. Nagar, K. Narayanpura, Bengaluru, Karnataka. In 1988, he graduated in Physics from the University of Madras, Chennai. Then, he acquired PG Diploma in Computer Science from an institute, namely, BDPS at Chennai. Later, in the year 2002, he acquired his Master's degree in Computer Science from Kennedy Western University, California, USA (through correspondence). Since he had worked in USA for more than ten years, he and his wife are US Green Card holders. Throughout his life, he has been a very religious person and diligently followed various Muslim customary practices in his daily life. Being religious, he closely followed all the major developments in Islam and issues related with Muslims around the world. He keenly followed all the news related to the declaration of *Khilafat* in Iraq and Syria. He discussed the prevalent situation in Syria with his wife and close friends. He also wanted to visit Syria along with his family.

**17.6.1** That Mohammed Abdul Ahad (AW-1) was arrested on 22.01.2016 from his residence. During the search conducted at his residential premises 03 laptops, 05 mobile phones, a hard disk, SIM cards, a data card and pen drive RC-14/2015/NIA/DLI

were recovered and seized vide seizure memo, dated 22.01.2016. The seized electronic devices were sent to CERT-In for analyses and expert opinion thereof.

**17.6.2** Investigation disclosed that Abdul Ahad (AW-1) came in contact with the accused, Mufti Abdus Sami Qasmi (A-17), in the month of June/July (month of Ramdan) in 2014, and met him on two occasions at a mosque, namely, Bilal Masjid, Shanti Nagar, Bengaluru. During the said meetings, he asked him about *Khilafat of ISIS*, which had been established in Syria, he inquired whether such a *Khilafat* is legitimate or illegitimate as per the Islamic law. The accused Mufti A-17, assured him that this "*Khilafat*" is legitimate and one should migrate to the land of *Khilafat*, if possible. Accused Mufti (A-17) also described that this *Khilafat* is valid in the light of "Quran and Sunnah" or "*Shariat ki roshni main*" or "*Shariat*". In this regard, he (Mufti Abdus Sami Qasmi) also delivered a lecture titled "*Khilafat ki Hakikat*". This fact has been corroborated in the confessional statement of (AW-1) recorded u/s 164 CrPC.

**17.6.3** Investigation confirmed that Ahad (AW-1) met Afzal (A-7) in the month of July/August, 2014 at the Masjid Quba, located at Sarapalaya, Bengaluru. Since, July/August 2014, Abdul Ahad (AW-1) and Afzal (A-7) met a number of times at the Masjid Quba and Jamia Muhamamdia located at Thanisandra Road, Hegde Nagar. They used to talk about many issues ranging from Islamic history, political situation in the world at large and also the issue of *Khilafat* and the situation in Syria, etc. In the month of October, 2014, (AW-1) was introduced to [REDACTED], resident of Khammam District, Andhra Pradesh, and [REDACTED] resident of Hassan District, Karnataka. Afzal (A-7) had informed both the aforesaid persons regarding (AW-1)'s intention to visit Syria via Turkey, on which, both [REDACTED] and [REDACTED] also got interested and showed their willingness to go to Turkey, on the pretext of travel and tourism and, subsequently, they planned to sneak into Syria. Hence, both of them decided to travel to Turkey/Syria along with their families. After persistent efforts, they got visas for Turkey, through a travel agent "Udaan India", located at Infantry Road, Bengaluru, Karnataka. (AW-1) also easily obtained e-visa as he was a US Green Card holder and his children were US citizens. Hence, they finally reached Turkey on 24<sup>th</sup> December, 2014. They spent about 13 days in sight-seeing and visited many old mosques, historical places and other tourist attractions. On January 5, 2015, they visited a place called "*Harran*" which was located very close to the Turkey-Syria border. On the same day, they reached at the border post namely '*Ackchaclae*'. At the said place, they asked the Turkish authorities posted there regarding ways and means to legally enter Syria through the land border. The Turkish authorities refused to answer them and detained them at Gaziantep Centre, Turkey, for about 23 days. On the intervention of the Government of India, they were deported back to Bengaluru, on 30<sup>th</sup> January, 2015. Entries made at the immigration points in the passport

of the accused and his confessional statement under section 164 CrPC substantiated the facts as mentioned in the preceding lines.

**17.6.4** Investigation revealed that Ahad (AW-1) befriended the other co-accused persons through Afzal (A-7). In the month of August/September, 2015, a meeting was held on a hill, located near the Bulli Lake in the Davarayana Durga State Forest of Tumkur, in which Syed Mujahid, Afzal, Ahad and Asif participated. A Pointing-out memo was prepared on the disclosure and at the instance of (AW-1) on 07.02.2016. Syed Mujahid (A-14) had arranged a meeting near Dargah at Tumkur hilly area. The participants in this meeting were Abdul Ahad, Syed Mujahid, Asif Ali, Afzal, [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. In both these meetings, the participants discussed helping Muslims, ISIS and propagating and establishing *Khilafat* in India. The Meeting held at the Dargah was mentioned in the confessional statements of accused Afzal (A-7) and (AW-1) and also in the disclosure statement of accused Abdul Ahad, based on which a Pointing-out memo was prepared. These corroborated the facts mentioned above.

**17.6.5** Investigation established that in the month of October, 2015, Ahad (AW-1) again attended a meeting in the hilly area of Tumkur, along with Afzal (A-7), Asif Ali (A-10), Syed Mujahid (A-14) and three more persons, namely, [REDACTED], [REDACTED] and [REDACTED]. The meeting was organised by the accused Syed Mujahid. The purpose of this meeting was to test their physical endurance by trekking in the mountainous region. They also held discussions on *Khilafat* and spreading the ideology and base of ISIS in India. Abdul Ahad, Afzal, Asif and [REDACTED] started around 8 pm from Bengaluru in a car booked online from Zoomcar, by Abdul Ahad and it was planned that they will meet collectively at Dobaspet around 10 Km from the place of meeting. The accused, Syed Mujahid, [REDACTED] and [REDACTED] came on a bike. All of them reached the meeting place around 1100 hours and the meeting started around 1200 hours. This fact has also been corroborated in the confessional statement of the accused Afzal A-7 and (AW-1) and CDR analyses report in respect of the mobile numbers used by the aforementioned accused persons.

**17.6.6** Investigation disclosed that on, the 24<sup>th</sup> October, 2015, a meeting was held at the house of the accused, Suhail (A-9). The meeting was attended by Nafees (A-2), Asif Ali A-(10), Najmul Huda (A-5) and Abdul Ahad (AW-1). The meeting has been mentioned in detail at para No. **17.2.8** of the charge sheet. The disclosure statement of Abdul Ahad and Pointing-out memo prepared on the basis of his disclosure and the CDR analysis report in respect of the mobile numbers used by the accused persons confirmed the movement and location of the accused persons as mentioned in the preceding para.

**17.6.7** Investigation affirmed that on the 25<sup>th</sup> October, 2015, a meeting was

held at the house of Afzal (A-7). The meeting was attended by Abdul Ahad (AW-1). The meeting has been mentioned in detail at para No. **17.2.9** of the charge sheet.

**17.6.8** Investigation revealed that Abdul Ahad (AW-1) had used different social media platforms viz. Facebook and WhatsApp and different mobile numbers to interact with his co-conspirators. An i2 link-chart of inter-connectivity of AW-1 with the other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by AW-1.

**Mohammed Afzal @ Abu Mariyam @ Yasir (A-7)**

**17.7** That accused, Mohammed Afzal @ Abu Mariyam @ Yasir (hereinafter to be referred to as Afzal/A-7), a permanent resident of No.529, 2<sup>nd</sup> Cross, Aswathnagar, Thanisandra, Police Station Kadugondanahally, Bengaluru-560 077, born on 9<sup>th</sup> August, 1980. (A-7) completed his diploma in Electrical Engineering from an institute namely SJP, Bengaluru in May, 1999. After that he did BA (English, History and Economics) through correspondence in 2013, and was working in a company HIS. Mohammad Afzal (A-7) got inclined towards jihadi activities in the year 2013, getting influenced by the '*Bayans*' of Abdus Sami (A-17). Afzal (A-7) was quite impressed by the lectures of Mufti Sami. He got the phone number of Mufti Sami from a website and contacted him and then met him in June 2014, during Ramzan at Bilal Masjid to listen to his lecture on Quran. Accused Afzal liked the Biography of Prophet Muhammad narrated by Mufti during the lecture. Afzal many a time asked Mufti about ISIS and its role in upliftment of Muslims, to which Mufti replied that there were a number of opinions about ISIS.

**17.7.1** That Mohamed Afzal (A-7) was arrested on 22.01.2016 in the instant case. During the search conducted at his residential premises, 02 laptops, 03 tablets, 07 mobile phones, pen drives and documents/ literature related to jihad were recovered and seized vide memo dated 22.01.2016. Electronic devices seized were sent to CERT-In for analyses and expert opinion thereof.

**17.7.2** Investigation established that in the month of December, 2014, accused Afzal met Syed Mujahid (A-14) at a '*Bayan*' (speech) of Mufti Abdus Sami (A-17) held at Tumkur (located at about 70 kms from Bengaluru). Accused Syed Mujahid (A-14) was the organizer of this programme/*Bayan*. There Mufti (A-17) delivered a very inciting and provocative speech motivating the aspiring Muslim youths in attendance to wage jihad and support the ISIS. After the *Bayan* A-14 and A-7 discussed the issue of ISIS with A-17, near Aqsar Masjid and cleared a number of doubts they had about ISIS, jihad and the Caliphate. The three of them met on a number of occasions at various places, during the year 2015. In October, 2015, accused Afzal again met Mufti in the Neelsandra Masjid,

Bengaluru during a lecture. Accused A-7 deleted accused Mufti's number from his contact list, when he got to know that the Mufti is in news for his pro-ISIS activities. Afzal met accused Mufti last, in one of his scholarly programme in December, 2015 at Williams Town in Bengaluru. This fact is corroborated in the confessional statement of accused Mohammad Afzal recorded u/s 164 CrPC that he met Syed Mujahid at Tumkur who had organised a Bayan and discussed about various aspects of Islam.

**17.7.3** Investigation confirmed that accused Afzal (A-7) met Asif Ali (A-10) in the middle of 2015, at Bengaluru, in a place close to his house, at the behest of Syed Mujahid (A-14). At that point in time, they discussed the issue of *Khilafat*, ISIS and present conditions of Muslims in India and the world. Accused Asif also introduced his friend Sohail Ahmed (A-9) to A-7 who used to work with Asif at his uncle's factory. Around the same time, accused Afzal also came in contact with Abdul Ahad (AW-1). They (Abdul Ahad, Syed Mujahid, Asif Ali, Afzal, [REDACTED] and [REDACTED]) had a meeting in the hilly area of Tumkur near a Dargah. The meeting has been mentioned in detail at para No. **17.2.8** of the charge sheet. In the meeting, they discussed about helping Muslims, ISIS and propagating the *Khilafat* movement in India. This meeting held at the Dargah is mentioned in the confessional statement of accused A-7 and (AW-1).

**17.7.4** Investigation brought on record that in the month of October 2015, Afzal (A-7) again attended a meeting in the hilly area of Tumkur. The meeting has been mentioned in para No. **17.6.5**. This fact has also been corroborated in the confessional statement of accused Afzal (A-7) and (AW-1) and also in the CDR analyses report in respect of the mobile numbers used by the said accused persons.

**17.7.5** Investigation confirmed that on 25<sup>th</sup> October, 2015 a meeting was held at the house of accused Afzal (A-7). The meeting has been mentioned in detail at para No. **17.2.9** of the charge sheet.

**17.7.6** Investigation established that accused Mohammed Afzal A-7 had used different social media platforms and mobile numbers to interact with his associates and likeminded people. An i2 link-chart of inter-connectivity of accused A-7 with other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by A-7.

**17.7.7** In the investigation, Mohammed Afzal (A-7) disclosed that he was in continuous touch with his other associates and like-minded people through email, Facebook and other social media applications. His disclosure statement was recorded on 03.02.2016 and subsequently recoveries u/s 27 of Indian Evidence Act were also made. The Gmail inbox belonging to Afzal (A-7) was

accessed in which a message on Facebook in support to ISIS was recovered, the excerpt of which is given below:

*Regarding your last comment people would like to know if you are so much so confident that ISIS is fighting for khilafah then why you are still sitting and wasting your time on FB? It becomes more compulsory on you as ISIS commander has asked from all muslim to give bayah (an oath of allegiance). So hurry up, before labeling others as being hypocrites prove yourself first to be not one of them. I will suggest you take one-way flight ticket, it will be cheap :)"*

**17.7.8** Investigation further revealed that the accused Mohammed Afzal (A-7), had a profound belief on the ideology of ISIS and was convinced about its righteousness. Accused Afzal had assured one of his friends, namely, [REDACTED] that the ideology of ISIS is correct and noble and he extends his full support to ISIS. Excerpts of the conversation between the accused, Afzal, and his friend, [REDACTED], which were recovered from his Facebook account under section 27 of the Indian Evidence Act, are as given below:

[REDACTED] Wednesday, August 13, 2014 at 6:20pm UTC+05:30

*but is ISIS doing right thing?*

Mohammed Afzal Wednesday, August 13, 2014 at 6:20pm UTC+05:30

*Please take it for sure from me that they are right*

Mohammed Afzal Wednesday, August 13, 2014 at 6:20pm UTC+05:30

*only people try to defame them for political reasons*

Mohammed Afzal Wednesday, August 13, 2014 at 6:20pm UTC+05:30

*what wrong did you find so far?*

[REDACTED] Wednesday, August 13, 2014 at 6:22pm UTC+05:30

*killing....and came to know they kill people even for small disagreement with them...*

**17.7.9** Investigation further revealed that Mohammed Afzal (A-7) had posted a message on Facebook appealing and exhorting people to rise up for *jihad*. The message of the accused, Afzal, was recovered under section 27 of the Indian Evidence Act, from his Facebook account and is reproduced below:

*Mohammed Afzal Tuesday, June 12, 2012 at 9:10pm UTC+05:30 'Assalamu Alaikum Warahmatullahi Wabarakatuh! People! Striving and Struggling to do good and refrain from evil is kind of Jihad. But JIHAD is definitely war (with swords\artilerry) against the oppressors and enemies of Islam. Do not fall prey to false propagation about Jihad, that it is not real war. Enemies of Islam are propagating to remove the feeling of war from Muslims and make them cowardly in nature, so that they can continue their oppression of Muslims without hindrance. Jihad is our shield against enemies of Islam'.*

**17.7.10** Investigation revealed that the accused, Afzal, was using internet facility on his mobile to access various websites and social media networks viz. Facebook, Skype and WhatsApp to communicate with co-accused. IPDR (Internet Protocol Detail Report) was procured from the concerned network companies. The analysis report of IPDR is placed on record.

**Mohamed Shareef Moinuddin Khan (A-8)**

**17.8** That the accused, Mohamed Shareef Moinuddin Khan @ Abdullah @ Gesu (hereinafter referred as (A-8) son of Late Mohamed Moinuddin Khan resident of house number 9-4-63/176, Nizam Colony, Toli Chowki, Hyderabad, P.S Humayun Nagar (Telangana), was born on 19.09.1957, in Hyderabad. He studied up to 10<sup>th</sup> class in Shah Ali Banda High School, Hyderabad, in Urdu medium. He got an Indian passport in the year 1980 from the RPO, Hyderabad, bearing number S816598. He went to Riyadh, Saudi Arabia, for employment. In Saudi Arabia, he worked in a hotel by the name of Alfa in Harah owned by one Abdullah Khan @ Abu Sufian, who was from Hyderabad. In the year 2000 Shareef joined an organisation in the name of *Tanzeem-e-Islamia*, which was later known by the name of "*Tehrik dawat ruju illal Qran-wd-Sunnah* headed by one Syad Azeem. Abu Anas (A-4) was also a member of the said organisation. In the month of June-July 2014, on hearing the news about the success of ISIS in Syria and the establishment of an Islamic Caliphate, the accused Shareef got quite excited and started to regularly follow the news about ISIS. He started enquiring from like-minded people how he could go to Syria and join the ISIS. He felt a strong urge to leave for Syria. However, all the people he interacted with expressed their helplessness for making arrangements for him to travel to Syria. A-8 also had discussions about the ideology and activities of ISIS with Maulana Mufti Abdul Saami Qasmi @ Mufti Abdul Saami (A-17), a resident of Delhi.

**17.8.1.** That Mohamed Shareef Moinuddin Khan @ Abdullah @ Gesu (A-8) was arrested on 22.1.2016 from Hyderabad. The NIA conducted search operation at the residential premises of the accused and recovered jihadi literature from his possession in the presence of two independent witnesses. The details of seizure are as listed below:

- i) JIHAD KE MAASAIL containing pages serially numbered from Sl No1 to 180 in Urdu language.
- ii) Al-Furkan-Wal-Mizzan regarding Islam and Jihad containing pages from Sl No-1 to 259.
- iii) Hijra to the Islamic state literature in English containing sheets from Sl No 1 to 50.
- iv) Book on DAISH (ISIS) containing pages from Sr. No- 1 to 36.

The facts, as enumerated above confirmed that the accused was radicalized and deeply influenced by the ISIS and had the motive and plans to work for the cause of ISIS and travel to Syria to join the ISIS.

**17.8.2** Investigation disclosed that Mohamed Shareef Moinuddin Khan @ Abdullah @ Gesu (A-8) attended an 'Istema' programme of Mufti Abdus Sami Qasmi @ Mufti Abdul Sami (A-17), a radical Islamic cleric, sometime in January, 2014, at a marriage hall in the Officer Mess, Nalgonda Cross Roads, Hyderabad. A-8 was deeply influenced by the religious Darsh given by A-17 and his arguments about martyrdom following the path of faith. After the said programme A-8 met Maulana Abdus Sami and developed a good rapport with him. Thereafter, he started listening to all the bayaans of Abdus Sami Qasmi on *You Tube* and discussed a number of issues related with *ISIS, Khialfat and Jihad* with him.

**14.8.3** Investigation affirmed that in the month of January 2015, Abdus Sami Qasmi (A-17) again visited Hyderabad for about 6 days for his programmes at various places in Hyderabad. Mohammad Shareef Moinuddin Khan (A-8) had arranged his stay, in his own house and accompanied him to all the programmes at Qutba at Ek Minar Masjid, Nampally, Hyderabad, Masjid-e-Firdaws and Husaini Masjid, both programmes were held in Vijayanagar Colony, Hyderabad. During a detailed discussion with Maulana Abdus Sami Qasmi (A-17), Mohamed Shareef Moinuddin Khan @ Abdullah @ Gesu (A-8) had expressed his desire to visit Syria, to which Qasmi (A-17) stated that martyrdom in Syria would guarantee him 'Jannat'. However, the Mufti expressed his helplessness in making travel arrangements for Shareef (A-8) to go to Syria.

**17.8.4** Investigation disclosed that the accused, Mohammed Shareef Moinuddin Khan (A-8), met Syed Mujahid (A-14) for the first time in Hyderabad in the month of January, 2015, as Syed Mujahid (A-14) was invited by Maulana Abdus Sami Qasmi (A-17) for his programme in Hyderabad. Since Syed Mujahid (A-14) was a guest of the Maulana, as such, he also stayed at the house of Mohammed Shareef Moinuddin Khan (A-8) which is located at Nizam Colony, Toli Chowki, P.S. Humyan Nagar, Hyderabad.

**17.8.5** Investigation further revealed that in July, 2015, (during the holy month of Ramzan), Mohammed Shareef Moinuddin Khan (A-8) met Mohammed Nafees Khan @ Zarar (A-2) along with the other accused, Obedullah, at Abu Bakar Masjid, Kohesar Colony, Tolichowki, Hyderabad. During the very first interaction in the Masjid, A-2 started talking in detail about ISIS with Mohammed Shareef (A-8). Over a period of time, both of them became very close to each other as they shared the same ideology. Hence, A-8 started frequently visiting the places of residence and work of A-2. Nafees (A-2) also started to



trust Shareef and told him that, if he devotes his life for the cause of jihad and ISIS, he is sure to find a place in *Jannat*.

**17.8.6** Investigation further brought on record that the accused, Mohammed Shareef Moinuddin Khan (A-8), met Najmul Huda (A-5) for the first time in the month of September, 2015, at the residence of Mohammed Nafees Khan (A-2) in MD Line, Tolichowki Hyderabad. That evening, A-2 made a phone call to A-8 and invited him to his residence to meet the guests from Bengaluru. Accordingly, A-8 visited Nafees's house and met the guests, namely, Najmul (A-5), Suhail Ahmed (A-9) and one more boy by the name [REDACTED] (a resident of Mangalore who came along with Najmul Huda). Mohammed Shareef (A-8) tried to persuade all of them for *hijra* to Syria and also discussed various issues related with Khilafat and ISIS. The meeting lasted for about half an hour, after which Shareef left Nafees's house.

**17.8.7.** Investigation substantiated that in December, 2015, Nafees (A-2) showed some videos of ISIS, saved on his mobile phone to Shareef Moinuddin (A-8) and asked him to get physically fit and prepare to leave for Syria. A-2 also told Shareef to arrange for funds for travelling to Syria. Mohammed Shareef Moinuddin thus kept an amount of Rs.35000/- in his account at the State Bank of Hyderabad, Husaini Alam Branch, Hyderabad, for the purpose of travelling to Syria. Around the 3<sup>rd</sup> week of December, 2015, or in the 2<sup>nd</sup>/3<sup>rd</sup> week of January 2016, Nafees called A-8 to his room in MD Lines, Tolichowki, Hyderabad and showed a pipe like bomb (IED) to him. A-2 also opened the cap of the pipe and showed him the explosive powder filled inside. Nafees (A-2) also told Mohammed Shareef Moinuddin (A-8) that A-2 wanted to test the device in some forest area nearby.

**17.8.8.** Investigation further established that in the month of December, 2015, the accused, Nafees Khan @ Zarar Khan, called a meeting in the house of Mohammed Shareef Moinuddin, @ Abdullah (A-8) at Nizam Colony, Tolichowki, Hyderabad. In this meeting, there were 5 more people present who were introduced to him as Abu Anas @ Jibreel (A-4), [REDACTED] @ [REDACTED] @ [REDACTED], [REDACTED] @ [REDACTED], [REDACTED] [REDACTED] and [REDACTED]. Accused Nafees Khan introduced himself to others as 'Talah'. Nafees Khan @ Zarar invited everyone to join the ISIS. Accused, Shareef Moinuddin, @ Abdullah, also supported Zarar over ISIS, saying that he is right and that everyone has to support Zarar (A-2) in his endeavours. Again, on 15.01.2016, they had a meeting, at the same house. In this meeting, the accused, Nafees Khan satisfied everyone regarding their queries about ISIS. This fact has been substantiated in the statement of one witness recorded under section 161 CrPC, that he had witnessed the meetings in the house of Shareef Moinuddin Khan (A-8).

**14.8.9** Investigation further established that the accused, Mohammed Shareef Moinuddin was using different mobile numbers to interact with his associates and likeminded people. An i2 link-chart of inter-connectivity of accused A-8 with other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by A-8.

**17.8.10** Investigation revealed that accused A-8 was using internet facility on his mobile to access, various web sites and social media networks viz. Facebook and WhatsApp to communicate with his co-accused. IPDR (Internet Protocol Detail Report) was procured from concerned network companies. The analysis report of IPDR is placed on record.

**Suhail Ahamed @ Sohail @ Hafez Saab (A-9)**

**17.9** That the accused, Suhail Ahamed @ Sohail @ Hafez Saab [hereinafter referred to as Sohail Ahamed /A-9]], was born on 04.06.1992 at Momin Pura, Mysore "Road, Bengaluru, Karnataka, permanent resident of 120, 8th Cross, Near Bombay Building, Poor House Colony, District Tumkur, Karnataka. He is conversant with Urdu, Hindi, Kannada and Arabic languages. He studied up to the 7<sup>th</sup> standard in Urdu School, Gowripalya, Mysore, Bengaluru. He attended a course in Imamath for nearly three months in *Mifthal-hul-Uloom* Arabic College. He started working in a stone policing factory owned by one, Zakir Hussain at Goripaliya, Bengaluru, since December, 2012. He is a relative of Asif Ali (A-10). Asif Ali was also working in the same factory. (A-9) was a devout Muslim and followed all the customary Islamic practices in his day to day life. A-9 was deeply influenced by the ideology of the ISIS and the call for jihad given by the supreme commander of ISIS, Abu Bakr al Baghdadi

**17.9.1** Suhail Ahmed (A-9) used to read online Jihadi magazines like "Mahaana Shariyath" "Afghan Jihad", etc. He downloaded them on his phone as well. He received lectures on Islam and Jihad delivered by one Salman Nadvi of Nadvathul Ulama, Lucknow, on WhatsApp Salman Nadvi was a known supporter of Khilafat and ISIS. A-9 was arrested on 22.01.2016. A search was conducted at his residential premises in which mobile phone, SIM cards, pen-drives were recovered. The electronic devices seized were forwarded to CERT-In for extraction of digital data and expert opinion.

**17.9.2** Investigation revealed that Sohail Ahmed (A-9) had also applied for a passport in the Regional Passport Office, Bengaluru, Karnataka, as he wanted to go to Syria and join ISIS. However, the passport was not issued to him. This fact has been corroborated as per the records made available by R Amarjothi, Assistant Passport Officer, Bengaluru, vide his letter, dated 10.12.2016, with enclosures.

**17.9.3** Investigation disclosed that the accused, Suhail Ahmed (A-9), was using different mobile numbers including the following; XXXXXXXX861, XXXXXXXX181, XXXXXXXX605, XXXXXXXX119 XXXXXXXX958, XXXXXXXX800, XXXXXXXX341 and XXXXXXXX603. He was also using WhatsApp and Telegram. He was in regular touch with one Molana [REDACTED], of Bengaluru, on WhatsApp and Telegram. He was a member of various WhatsApp groups, the details of which are as follows:

- i) Najmul Mishkath (group administrator Abdul Rehman).
- ii) Shah Printers (group administrator Riyaz).
- iii) Qithale fi Sabeelillah (for propagating Jihad in the path of Allah).
- iv) *Al-Hilal* (to discuss various issues related with ISIS, Jihad and Khilafat/group administrator one [REDACTED]).

The aforesaid fact is corroborated in the disclosure and Pointing-out memo of the accused, Suhail Ahmed (A-9), and statements of witnesses recorded u/s 161 CrPC. Further, an LR has been issued to the Republic of Ireland to obtain evidence pertaining to the contents of the said WhatsApp accounts.

**17.9.4** Investigation confirmed that in the month of April, 2015, the accused, Sohail, and another accused, Asif, went to accused Najmul's Hostel in Bengaluru and met him near the Kanery Satellite Town, Bengaluru, and discussed about Jihad, ISIS and Taliban. In the meeting, Najmul Huda enumerated the steps to be taken to find more like-minded people through Dawalah and motivate them to work for expanding the base of ISIS in India and to establish the rule of Khilafat. The accused, Najmul Huda (A-5), asked them if they were interested in going to Syria and fighting with the ISIS. After the meeting, Sohail Ahmed remained in contact with Najmul Huda (A-5) over phone and through WhatsApp. This fact is corroborated in the confessional statement of accused, Afzal, recorded under section 164 CrPC and the data recovered under section 27 CrPC. This fact is further corroborated by the disclosure and Pointing-out memo of the accused, Syed Mujahid, and the statement of one witness recorded u/s 161 CrPC.

**17.9.5** Investigation further established that, on 14.09.2015, Sohail Ahamed (A-9) went to Hyderabad from Yaswantpur Railway Station along with the accused, Najmul Huda, and [REDACTED]. On 18.09.2015, On Hyderabad they met Nafees Khan (A-2) and one [REDACTED]. In the meeting, all of them discussed Khilafat and working for the cause of the ISIS in India. Sohail Ahamed (A-9) saved the mobile number of Zarar (A-2) as "Hydera" on his mobile phone. The said fact is corroborated in the CDR analysis report and disclosure memo of Syed Mujahid (A-14).

**17.9.6** Investigation has substantiated that on 24<sup>th</sup> October, 2015, a meeting was held in the house of the accused, Suhail Ahmad. The meeting has been mentioned in detail at para No. **17.2.8**.

**17.9.7** Investigation further revealed that the accused, Suhail Ahamed, was using different mobile numbers and social media platforms to interact with his associates and likeminded people. An i2 link-chart of inter-connectivity of accused A-9 with other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by A-9.

**17.9.8** Investigation further revealed that the accused, Sohail, tried to motivate people for Jihad and joining ISIS. He showed videos depicting barbarity and slaughter/execution of innocent civilians by ISIS cadres to Asif Ali (A-10) and one [REDACTED] [REDACTED]. This fact is substantiated by the statement of a witness recorded under section 164 CrPC by the Hon'ble ACMM Court, Bengaluru, Karnataka.

**17.9.10** Investigation revealed that the accused, Suhail, was using internet facility on his mobile to access internet and social media networks viz. Facebook, Skype and WhatsApp to communicate with ophther co-accused. IPDR (Internet Protocol Detail Report) was procured from the concerned network companies. The analysis report of IPDRs is placed on record.

#### **Asif Ali (A-10)**

**17.10** That accused, Asif Ali @ Armaan Saami (hereinafter to be referred as Asif/A-10), was born on 22/01/95 and was a resident of 14<sup>th</sup> Cross, 2<sup>nd</sup> Main Road, Near Hira Masjid, Bapuji Nagar, Batrayanpura Police Station, Bengaluru-560026 Karnataka. He studied up to 10<sup>th</sup> standard and, after leaving his studies in October, 2011, he joined Islamic Social Service (*Tablighi Jammāt*) for 40 days. While in the Tablighi Jammāt, Asif studied about Islamic theology and customary practices. He learnt how to offer Namaz in the proper way, how to reach closer to Allah, how to improve the lot of fellow Muslims who are leading a misguided life. After these 40 days, Asif returned to his house a fully transformed man. It was due to the time spent with the Tablighi' that Asif became a religious bigot with a narrow understanding of religious scriptures and a narrow world view. He learnt the art of stone polishing and started working in the stone polishing factory (work-shop) of his uncle, Zakir Hussain, at Goripalya, Bangalore.

**17.10.1** That the accused Asif (A-10) was arrested on 22.01.2016 from his residence. During the search conducted at his residential premises, 06 mobile phones, data card, SIM cards, 12 DVDs & 03 CDs and incriminating documents were recovered and seized, vide seizure memo, dated 22.01.2016. Electronic

devices seized from his residence were sent to CERT-In for analyses and expert opinion thereon.

**17.10.2** Investigation revealed that the accused, Asif Ali, came in contact with Suhail Ahmed (A-9) at his uncle's workshop, sometime in December, 2012. Suhail was a devout follower of Islam. He used to guide and teach the accused Asif regarding various Islamic religious and customary practices. Accused, Suhail, even advised Asif not to listen to music. According to him, listening to music and watching movies was "Haram" in Islam. He used to advise Asif to listen to religious *bayaans*, to get rid of all the bad habits. Asif was impressed and influenced by Suhail Ahmed and started emulating him and also started listening to the *Bayans of Maulana Shamsuddin Qasmi in Tamil language (Maulana Shamsuddin Qasmi is the Imam of Chennai Mecca Masjid)*. A number of books dealing with theology and jihad were recovered from the residence of the accused at the time of his arrest. Like the other accused arraigned in this case, Asif (A-10) also got drawn towards the ideology and activities of the ISIS. He totally believed in the Islamic Caliphate, as established by the ISIS, and wanted to go to Syria and join the ISIS. For the said purpose, he started looking for like-minded people and interacting with them so that he could get good advice on how to reach Syria and join ISIS.

**17.10.3** Investigation disclosed that the accused, Asif Ali, came across another accused, Najmul Huda (A-5), who had come to Bangalore for completing his chemical engineering studies and was staying in the Boys Hostel at Kengeri. Najmul was introduced to Asif by one [REDACTED]. Accused Najmul was a rabid supporter of ISIS and the Islamic Caliphate. He used to vehemently oppose and criticise people who used to speak against the ISIS. Hence, Asif was deeply influenced by Najmul. He also wanted Najmul to advise him on how to leave for Syria and join ISIS. The aforesaid fact is corroborated by the statement of one witness recorded u/s 161 CrPC. Subsequently, Asif introduced Najmul Huda to another accused, Suhail. In due course, all three of them met a number of times and used to talk about joining the Caliphate in Syria and how to go to Syria. Accused Asif and Najmul Huda, also started looking for more like-minded people whom they could influence to support ISIS and migrate to Syria. This fact is corroborated by the statements recorded u/s 161 CrPC of the witnesses. Asif and Najmul had tried their best to influence [REDACTED], [REDACTED] and [REDACTED] to support the ISIS and the *Caliphate*.

**17.10.4** Investigation further revealed that the accused, Nafees @ Zarar, had directed another accused, Najmul, over phone to meet one of his associates, viz., Syed Mujahid @ Abu Saad (A-14). Accused Syed Mujahid further gave the mobile number of Mohammed Afzal @ Abu Mariyam @ Yasir (A-7) and further Syed Mujahid introduced Abdul Ahad (AW-1) to accused Asif Ali. Somewhere in September/October, 2015, Asif took his two friends, [REDACTED] and [REDACTED], to

Suhail's house at Momminpura where Afzal and his friend, [REDACTED], were also present. Afzal took a meeting in which Asif, Suhail, [REDACTED], [REDACTED], [REDACTED], [REDACTED] were also present. The purpose of the meeting was to introduce the two new friends of Asif to the organization. Asif and Afzal tried to influence and motivate [REDACTED] and [REDACTED] to join their organization. However, [REDACTED] and [REDACTED] did not show any interest in joining their organization and they categorically told the group not to contact them again on this issue. This fact is corroborated by the statements of witnesses recorded u/s 161 CrPC.

**17.10.5** Investigation established that Asif Ali (A-10) had also attended a meeting in a hilly area of Tumkur near a Dargah. The meeting has been mentioned in detail at para No. **17.6.4** of the charge sheet.

**17.10.6** Investigation confirmed that in the month of October, 2015, the accused Asif (A-10), again attended a meeting in a hilly area of Tumkur. The meeting has been mentioned in detail at para No. **17.6.5** of the charge sheet.

**17.10.7** Investigation disclosed that on 24<sup>th</sup> October, 2015, a meeting was held at the house of accused Suhail (A-8). The meeting was attended by Asif Ali (A-10). The meeting has been mentioned in detail at para No. **17.2.8**.

**17.10.8** Investigation further established that on 25<sup>th</sup> October, 2015, a meeting was again held at the house of Afzal (A-7). The meeting has been mentioned in detail at para No. **17.2.9** of the charge sheet.

**17.10.9** Investigation further established that the accused, Asif Ali, was using different mobile numbers and social media platforms viz. Facebook, Skype and WhatsApp to interact with his associates and likeminded people. An i2 link-chart of inter-connectivity of A-10 with other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by A-10.

#### **Mohammed Obedullah Khan (A-11)**

**17.11** That accused Mohammed Obedullah Khan @ Obaid @ Shahnawaz @ Abu Talah (hereinafter referred to as Obedullah/A-11), was born on 27.11.1982 and is a permanent resident of H. No. 9-3-58/1/5, Mumtaz colony, Moti Darwaza, MD Lanes, Golconda, Hyderabad, present address; H. No. 9-4-87/14/1, Owaisi Colony, Toli Chowki, Golconda, Hyderabad. The accused, A-11, was weak in studies, so after 10<sup>th</sup> standard his parents admitted him to a Madarsa for religious studies, but he again discontinued his studies. He took coaching on computer hardware at Indian Infotech, Muradnagar, Mehdiptanam, in the year 2003, for about 2-3 months. In the year 2005, the accused went to Riyadh, Kingdom of Saudi Arabia, and worked as a salesman in NAIF Internet Café for 02 to 03 years and returned back to India in 2008. After

this the accused started a shop of computer sales and service in the name of "Computer Point" near Bilal Masjid Complex, Toli Chowki, Hyderabad, close to his house.

**17.11.1** That the accused, Mohammed Obedullah (A-11), was arrested on 22.01.2016 from his residence in Hyderabad. During the search conducted at his residence and in the shop premises, 03 mobile phones, a hard disk, 02 pen drives and a CPU was recovered and seized vide seizure memo, dated 22.01.2016. Electronic devices, seized, were sent to CERT-In for analyses and expert opinion thereon.

**17.11.2** Investigation disclosed that Mohammed Obedullah (A-11) regularly attended *Namaz* at Bilal Masjid located near his house. He also used to attend *Darsh-e-Quran* at Masjid-e-Abdullah at Shaikpet, Hyderabad. In the said Masjid, A-11 noticed that one Nafees Khan @ Zarar (A-2) and Mohammed Shareef Moinuddin @ Abdullah @ Shareef (A-8) also used to attend the *Darsh*. Two more persons, viz., [REDACTED] [REDACTED] (who had readymade bags shop at Asifnagar) and [REDACTED] [REDACTED], resident of Golconda, used to meet Nafees Khan. (as per the information available, both are in Syria and had joined the ISIS). In the month of September, 2015, Nafees Khan @ Zarar Khan (A-2) came to Obedullah's shop (Computer Point) to upload a software on his laptop. Obedullah immediately recognised him as he used to come for *Darsh* regularly. The accused, Nafees, introduced himself as Zarar from Maharashtra, and told him that he was staying in Hyderabad all alone for eking out his livelihood and he is a regular Namaazi. A-11 gave him the software for free which was for about Rs. 100/-. Since then Nafees used to visit his shop every now and then. After 15 to 20 days, Nafees Khan again visited his shop with a laptop of Compaq make and asked him to format only the C drive of the laptop. As the formatting installation of software was under process, the accused, Nafees Khan, started motivating A-11 by telling him about ISIS. Nafees Khan (A-2) told A-11 that ISIS is doing many good things and has established a *Caliphate* according to the *Shariat* Law. He also gave some videos to A-11 and asked him to see them, which will help him in knowing about ISIS. The videos were on "*Flames of War*", war videos and videos of killings as punishments by ISIS. That night, A-11 watched these videos at his home on his desktop. Later, his wife came to know about these videos and deleted all of them and warned him not to get into all these things. After this incident, A-11 browsed various websites on internet and saw a number of videos on ISIS videos. This is how the accused, A-2, radicalized him (A-11) towards ISIS/jihad.

**17.11.3** Investigation disclosed that once, during a conversation (at the shop of A-11), A-2 told Mohammed Obedullah (A-11) that he has connections with the top hierarchy of ISIS, based in Syria, and that they want to establish a wing of ISIS in India. A-2 also informed him that they have already formed an

organisation, i.e., *Junood-ul-Khilafa-Fil-Hind*, (Indian wing of ISIS) and have also planned to establish a wing of ISIS in Bangladesh. He further informed A-11 that an *Ameer* for ISIS in India has been designated and he is from Maharashtra (Mudabbir A-3). When A-11 asked about his future plans A-2 disclosed that there were nearly 300 Indians who are ready to join ISIS in India and they will be successful. The accused, Nafees, also informed him that he had played a key role in sending two cadres, viz., [REDACTED] [REDACTED] and [REDACTED] [REDACTED], to Syria to join the ISIS. A-2 told him that they will procure arms and ammunition from Assam-Bangladesh border and also had connections in Kashmir and were trying to acquire weapons like grenades, AK-47, RDX, etc. For this purpose, A-2 was visiting West Bengal soon to meet some cadres near the Indo-Bangladesh border. This fact has been corroborated by the visit of the accused, Nafees, to West Bengal and his meeting with arms dealer through another accused, Ashik Ahmed (AW-2), who has given a confessional statement under section 164 CrPC.

**17.11.4** Investigation confirmed that in the month of November, 2015, Nafees Khan @ Zarar Khan (A-2) visited A-11's shop and showed a metal pipe coupling to him and asked to bring the same type of metal coupling from Sikandarabad. The following day accused (A-11) bought a metal coupling from a store in Ranigunj, Sikandarabad (by showing the sample provided by Zarar) and handed over the same to Zarar. After one week, when Nafees Khan @ Zarar again visited his shop, A-11 asked why he needed couplings to which accused Nafees said that he had filled that metal pipe with explosive powder taken/extracted from firecrackers and that he had to plant it somewhere. The same metal pipe filled with explosives was recovered from the possession of accused Nafees Khan (A-2), at the time of his arrest in the presence of independent witnesses.

**17.11.5** Investigation substantiated that, in the month of December, 2015, the accused, Nafees Khan @ Zarar Khan, invited A-11 for lunch at the house of Mohammed Shareef Moinuddin, @ Abdullah (A-8) at Nizam Colony, Tolichowki, Hyderabad. In the house of A-8, there were 5 more persons present who were introduced to him as Abu Anas @ Jibreel (A-4) [REDACTED] @ [REDACTED] @ [REDACTED], [REDACTED] @ [REDACTED], [REDACTED] [REDACTED] and [REDACTED]. The accused Nafees Khan introduced himself to others as 'Talah'. Nafees Khan @ Zarar invited everyone to join ISIS. Another accused, Shareef Moinuddin @ Abdullah, also supported Zarar over ISIS, saying that he is right and that everyone has to support Zarar (A-2) in his endeavours. Again, on 15.01.2016, they had a meeting in the same house. In this meeting, the accused, Nafees Khan, satisfied everyone regarding his curiosities about ISIS. This fact has been corroborated by the statements of witnesses that such meetings took place in the house of Shareef Moinuddin Khan.

**17.11.6** Investigation established that on 13<sup>th</sup> January, 2015, Obedullah Khan (A-11) had visited a farmhouse in Vikarabad, in Ranga Reddy district. The visit



has been mentioned in detail at para No. **17.2.12** of the charge sheet. In this regard, statement of one witness, recorded under section 161 of CrPC and CDR analysis report also corroborated the aforesaid facts. Further, A-2 also disclosed the same facts in his disclosure statement which were subsequently verified in the Pointing-out memo, dated 08.02.2016.

**17.11.7** Investigation has established that Obedullah Khan (A-11) had used different social media platforms like Facebook, WhatsApp etc. and mobile numbers to interact with his associates and likeminded people. An i2 link-chart of inter-connectivity of the accused, A-11, with other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by A-11.

**Mohammed Aleem @ Mezbaan (A-12)**

**17.12** That accused, Mohammed Aleem @ Mezbaan (hereinafter referred to as Aleem/A-12), was born on 22-04-1993, and is a permanent resident of village Bibiapur, post office Haidergarh, P.S- Kothi, District- Barabanki. His present address is 8-Basant Vihar, Sector -11, Indiranagar, Lucknow, UP, the accused had been living with his parents for the last 16 years, prior to his arrest. Aleem was undergoing his third year in B.COM. degree course and also learning photography /videography from his maternal uncle. He was deeply influenced with the ideology and activities of the Islamic State of Syria and Levant (ISIL) also known as Islamic State of the Syria and Iraq (ISIS). He used to view all the posts on *Facebook* related to the ISIS/ISIL. In his endeavour to get connected with the supporters and operatives of the ISIS, in or around June, 2014, he came across one Facebook page titled "*we want sharia, Say no to democracy*" which was posted by one Asadullah, based in Aleppo, Syria. On this Facebook Id, many videos were uploaded which were related to the developments in Syria. The accused, Aleem, 'liked' the page with an intention to develop relations with people associated with the ISIS and to know about the activities and future strategy of the organization. After 2 or 3 days, Asad said "hi" to him on Facebook messenger which was duly responded to by the accused with a 'salaam'. During the subsequent chats, the accused showed his keen interest in knowing more about ISIS and Asad also (Asadullah). The interaction continued for another 2 to 3 days. Thereafter, Asadullah told him that he knows some trustworthy people in India. After a day or two, Asad gave him a reference of another person, who was purportedly an Indian based in Syria, for further contact and guidance. Asad gave him a Skype Id of '*Abu Yusuf-al-Hindi*' and asked him to send AS (Assalamwalleikum) on it. When the accused did so, he received a notification from Facebook stating that he had performed illegal activities; therefore, his Facebook Id was blocked.

**17.12.1** Investigation disclosed that Mohammed Aleem (A-12), was arrested on 22.01.2016 from his residence in Lucknow. At the time of his arrest, 02 mobile phones were seized from his possession, through production cum seizure memo, dated 22.01.2016. Both the mobile phones were sent to CERT-In for forensic analysis and expert opinion thereon.

**17.12.2** Investigation established that Aleem (A-12), in or around June, or July, 2014, created an account on Skype with the display name “*mohammad.aleem112*” and sent a message “As” to Abu Yusuf Al Hindi. After 2 to 3 days, Yusuf replied and asked “kaun”. The accused told him that Asad had given him this Id. On being asked by the accused, Yusuf, A-12 told him his full identity details. Yusuf told him that he was an Indian and belongs to Karnatka and is the media chief of ISIS for India. After about 2-3 months, Yusuf gave a Trillian Id ‘*Crazzyboys*’ along with a password to the accused. The accused then downloaded *Trillian* app from google play and contacted the accused, Yusuf on his ID ‘*Tboys*’. Yusuf informed him that many Indians were working in Syria and there were very good arrangements for their stay and living. In or around December, 2014, or January, 2015, Yusuf gave another trillian ID ‘*Jantahoo*’ to the accused, Aleem to contact him on his Trillian ID ‘*Gumnambhai*’. At times, Yusuf also used to make group calls, with some of his other contacts mostly from India, also participating in it. Yusuf used to task some of his contacts to translate text/posts from one language to another. Once Yusuf gave him a paragraph, scripted in Roman English, for its translation from Arabic to Hindi which the accused could not do. Yusuf had asked the accused to develop good typing speed in Hindi and to improve his English to Hindi translation. Disclosure statement of the accused, Aleem, and recoveries made u/s 27 of Indian Evidence Act, substantiated that A-12 was in contact with another accused Yusuf, on Trillian, the *Trillian ID* of Yusuf was ‘*Gumnambhai*’ and the *Trillian ID* of Aleem was ‘*jantahoo*’.

**17.12.3** Investigation substantiated that on 1<sup>st</sup> November, 2015, a meeting was held in Lucknow, at the behest of accused Yusuf (A-19). The meeting was hosted by accused Mohammed Aleem, (A-12). The meeting has been mentioned in detail at para No. **17.2.5** & **17.2.6**.

**17.12.4** Investigation disclosed that accused Aleem (A-12) had used different social media platforms like Facebook, Trillian, Skype, etc. and mobile numbers to interact with his associates and likeminded people. An i2 link-chart of inter-connectivity of accused A-12 with other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by A-12.

**Mohamed Hussain Khan (A-13)**

**17.13** That accused Mohamed Hussain Khan @ Jameel (hereinafter referred to as A-13), son of Mohamed Jameel, resident of Flat No. 204, Pearl Harbur, 9 Tulshi Wadi, Shivdas Chopsi Marg Near Mazgaon Circle, Mumbai-10, permanent address Mohalla Panigiran, Near Subhash Chowk, Jaipur Rajasthan. He studied up to class 1<sup>st</sup> to 5<sup>th</sup> from Durgadivi Municipality Urdu School, Mumbai and 6<sup>th</sup> to 8<sup>th</sup> from Mohammadiya High School Bhindi Bazar, Mumbai and failed in 8<sup>th</sup> standard. After failing in class 8<sup>th</sup>, he started assisting his father in the 'Varakh' (silver & gold metal leaf) manufacturing shop. At the time of his arrest he was pursuing the family business by the name of Maharashtra Waraqwala, at Mumbai. In the year 2013 he opened an account on *Facebook* using email Id [mohdhusainwaraqwala@yahoo.com](mailto:mohdhusainwaraqwala@yahoo.com) . He used to browse social networking sites including *Facebook* on his Samsung Galaxy S3 mobile phone. On *Facebook* he came across a person with user Id Yusuf-Al-Hindi on which a very attractive picture was posted the accused liked the post of Yusuf (A-19). Thereafter, he received a friend request from Yusuf-Al-Hindi which was accepted by him. After about three months Yusuf created a Skype Id for Mohammed Hussain Khan (A-13) in the name of *Islam* for the purpose of secret communication and the Skype Id used by Yusuf for communicating with A-13, was "*Tufan.dus.*" Accused Mohamed Hussain Khan (A-13) was arrested on 22.01.2016.

**17.13.1** Investigation established that accused Mohamed Hussain Khan (A-13) was in constant touch with accused Yusuf (A-2) on *Facebook*. The main motive of Yusuf (A-19) was to propagate the ideology of ISIS in India and recruit Muslim youths on behalf of ISIS. He also wanted to establish a base of ISIS in India to carry out its subversive activities in India, so as to establish a *Caliphate* based on *Shariat* law. This fact is corroborated in the disclosure of accused Mohamed Hussain Khan (A-13).

**17.13.2** Investigation confirmed that accused Mohamed Hussain Khan (A-13) regularly chatted with Yusuf (A-19). For the said purpose Yusuf-Al-Hindi Yusuf (A-19) provided *Skype Id roll.rolli* to Mohamed Hussain Khan (A-13) for chatting with him on his *Id tufan.dush*. On Skype both of them used to discuss about the atrocities being committed against Muslims around the world. Yusuf (A-19) also sent Mohamed Hussain Khan (A-13), web links of Jihadi sites for downloading the books on the subject. Mohamed Hussain Khan (A-13) also chatted with Mudabbir Mushtaq Shaikh (A-3) of Mumbra, Mumbai, Maharashtra on his Id *Aadil* this fact is corroborated in the disclosure memo of the accused Mohamed Hussain Khan (A-13).

**17.13.3.** Investigation further disclosed that on the 20th day of Ramzan, 2014, accused Mohammed Hussain Khan (A-13) on the instructions of Yusuf Al Hind

(A-19), proceeded to Delhi by the train August Kranti Express from Mumbai to Nizamuddin Railway Station New Delhi. On reaching New Delhi at about 1030 hrs, (A-13) changed the SIM card on his mobile phone and after sometime received a text message "Salam Walekum" on his new mobile number. After receiving the message, Mohammed Hussain Khan (A-13) called the same number; the person on the other side asked him to reach "Jama Masjid" at Old Delhi. On reaching Jama Masjid accused Mohammed Hussain Khan (A-13) contacted the said person again and he met him near Jama Masjid, Delhi and gave A-13 a sealed Box of Bournvita and told him to keep it in safe custody. On receiving the item, A-13 gave Rs. 10,000/- in cash to that unknown person as directed by Yusuf-Al-Hindi. Out of curiosity, A-13 opened the container and found a white coloured powder in it. Since he thought it may be drugs or some explosive powder, Mohamed Hussain Khan (A-13) immediately returned to Nizamuddin Railway Station and destroyed the new sim card which he had used for contacting the said person in Delhi and emptied the box of Bournvita in a toilet at Nizamuddin Railway station. Next he caught a train and returned back to Mumbai. The facts above are corroborated by the evidence on record regarding the money received through *hawala* channels and distributed to various accused persons implicated in this case. The money received by accused Mohammad Hussain Khan was handed over to a person who gave him a box suspected to be filled either with explosive powder or drugs.

**17.13.4** Investigation validated that accused Mohamed Hussain Khan (A-13) used multiple mail Ids and chat Ids to communicate in a secured and clandestine way with accused Yusuf and accused Mudabbir.

**17.13.5** Investigation established that in the month of October 2015, Yusuf-al Hindi (A-19) contacted Mohamed Hussain Khan (A-13) on *Skype Id roll.rolli* and told him to visit Lucknow, UP along with Mudabbir Mushtaq Shaikh @ Adil, (A-3) where few more like-minded persons would come for a meeting to discuss the agenda of ISIS in India. Yusuf @ Shafi Armar (A-19) directed him to arrange airline tickets for journey to Lucknow. Hence, Mohammad Hussain Khan contacted a travel agent Yusuf Mansoori on 29.10.2015 and booked air tickets in Indigo Airlines for, 30.10.2015, from Mumbai to Lucknow. On 30.10.2016 Mudabbir Mushtaq Shaikh @ Adil (A-3) met him at Mumbai airport from where he flew to Lucknow. At the airport Mohammad Aleem (A-12) picked them up and took them to his house at 8-Basant Vihar, Indira Nagar, Lucknow Next day i.e on 31<sup>st</sup> October, 2015 Aleem (A-12) shifted them to a nearby house which was vacant and belonged to his uncle. On the following day i.e. 01/11/2015, Azhar @ Ikrama, (A-16) Aleem (A-12) along with two persons who accompanied Ikrama namely Mohammad Osama @ Adil and Mohammad Azeem @ Usman also came to the said location. Thereafter, Mudabbir (A-3) received Nafees (A-2) who came from Hyderabad. Till the evening a total of 08 persons had gathered at the said location. The meeting has been mentioned in detail at para No. **17.2.5** and RC-14/2015/NIA/DLI

**17.2.6** of the charge sheet. In the evening on the same day, they took an Indigo flight to Mumbai which was booked by (A-13) one day prior to the date of journey. The aforesaid facts are substantiated in the disclosure and pointing out memos of accused Mudabbir and accused Mohammad Hussain Khan. Further, the journey of accused Mudabbir and Mohammad Hussain from Mumbai to Lucknow and back to Mumbai are proved by the indigo airline tickets and passenger manifest seized during the investigation. CDR analysis report in respect of mobile numbers used by the accused persons also established that all of them were in Lucknow on the dates as mentioned above.

**17.13.6** Investigation further validated that in the end of May, 2015, before Ramzan, Yusuf (A-19) insisted that Mohammed Hussain Khan (A-13) should arrange funds through *zakat*. When Mohammad Hussain Khan expressed his inability to do so, at that moment, accused Yusuf scared him by telling him *“Hamara Karza ho gaya hai tumpar agar aap mar gaye toh kayamat ke din Allah aap ko gunah dega.”* On which Hussain (A-13) got scared and promised to arrange money but he could not arrange money through *zakat* soon enough. Hence, Yusuf (A-19) told him that he has a contact in Mumbai and asked Hussain to collect Rs. 50,000/- from one person in Mumbai. For the said purpose Yusuf (A-19) gave him the *Skype* Id of *“Adil.”* Hussain contacted the person on the given Id, the person with the said Id asked Hussain to come to Darul Fala Masjid in Mumra, Mumbai. When Hussain (A-13) reached Darul Fala Masjid, Mumra, Mumbai the person with Id *“Adil”* met accused Hussain and gave him Rs. 50,000/- and collected 50,000/- and informed Yusuf (A-19) that money has been collected. On getting the confirmation Yusuf gave him the mobile number of one Ahmed in Dubai and asked him to transfer the money to the said Hussain in Dubai. So Hussain (A-13) contacted one [REDACTED] [REDACTED] with whom he had business relations. [REDACTED] Bhai was the owner of [REDACTED] [REDACTED] in Pune and had business contacts in Dubai, and Hussain (A-13) knew that and hence he requested him to transfer Rs. 50,000/- to one Ahmed in Dubai. On which [REDACTED] Bahi transferred the money to Ahmed in Dubai through one [REDACTED] Bhai. In this regard statements of witnesses have been recorded under section 161 CrPC. Further, the disclosure and pointing out memos of accused Mudabbir and Hussain Khan confirmed the same.

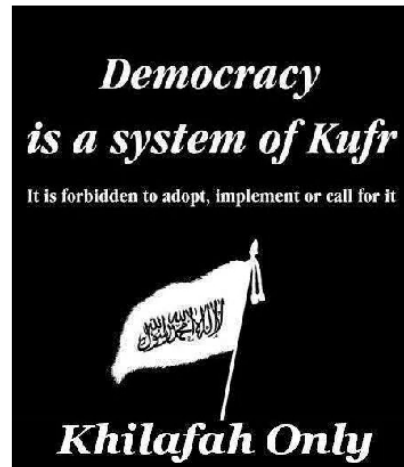
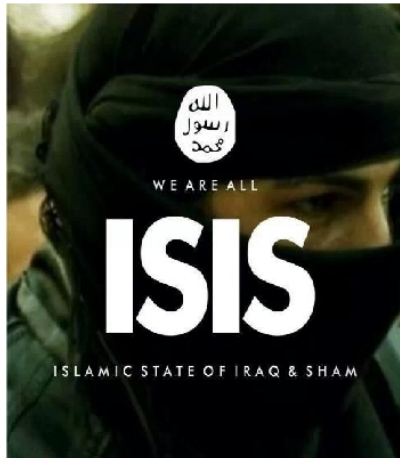
**17.13.7** Investigation has established that accused Mohamed Hussain Khan (A-13) had used multiple social media platforms like Facebook, WhatsApp, Trillian, Skype, etc. and mobile numbers to communicate with co-accused persons and send/received Jihadi video/literature in support of ISIS activities in India. An i2 link-chart of inter-connectivity of accused A-13 with other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by A-13.



Dhoka To Hum Bhi De Sakte The  
Magar,  
HuM Zaat K Musalman Hain,  
Bewafai Hamare Khoon Me  
Nahi.

Isliye Buzrugon Ne Kaha Hai...  
Ki  
Musalman Ki Yaari Aur Sher Ki  
Sawari Naseeb Walo Ko Milti  
Hai. Geet Ko Gazal Bana Detey, Sari  
Duniya Ko Musalman Bana Detey,  
Afsos Musalmano Me Aikta Nahi  
Hai,  
Warna Ayodhya To Kya Hum  
Modi K Ghar Me Bhi Baabri Masjid bana  
Detey !  
forward to all muslims.

3:06PM



*(All the above mentioned photographs were recovered from the data retrieved from mobile phone of A-13 by CDAC Thiruvananthapuram).*

#### **Syed Mujahid (A-14)**

**17.14** That accused Syed Mujahid (hereinafter referred to as Syed Mujahid /A-14) was born on 21st November, 1982, is a permanent resident of 120, 8th Cross, Near Bombay Building, Poor House Colony, District Tumkur, Karnataka. Accused Syed Mujahid started his schooling from Aqsa School (Nursery, LKG), Bharat Mata English School and then studied in HMS English School and Aryan English School till class 10. His father retired as a Deputy Tehsildar sometime

in the year 1995. His mother retired as a school teacher from Idgah Mohalla, Government Urdu School in the year 2012. In August - September 2014, he got influenced by the developments in Syria and formation of an Islamic Caliphate by the ISIS and started following news and watching videos on ISIS available on the internet. He was fascinated by the ideology and propaganda of ISIS and its supreme commander Abu Bakar Al Bagdadi. Hence he started to enquire about ISIS from persons in his neighbourhood and friend circle who were aware about the developments in Iraq and Syria and got to know that ISIS is an internationally proscribed terrorist organization which is engaged in radicalization of Muslim youths and motivating them to join them, as a result of which some Indian nationals have already joined it or are in the process of joining it for committing terrorist acts in the conflict zone of Iraq, Syria and Libya.

**17.14.1** That Syed Mujahid A-14, was arrested on 23.01.2016 from his residence. At the time of his arrest 06 mobile phones with 05 SIMs, 01 pen drive and one SD card were seized from his possession, through production cum seizure memo, dated 22.01.2016. Above mentioned mobile phones SIM cards and pen drive were sent to CERT-In for forensic analysis and expert opinion thereof.

**17.14.2** Investigation disclosed that accused Syed Mujahid (A-14) attended the Jalsa of Mufti Abdus Sami (A-17) at Bengaluru, Ilyas Nagar Masjid Tumkur with one Rafiq Bhai resident of Tumkur and owner of a Bakery Shop, Nizam a 30-year-old person, resident of Tumkur, an auto-driver and Mukhtiyar a resident of Tumkur, a small time politician of K.J.P. Party. Syed Mujahid (A-14) also attended a Jalsa of Mufti Abdus Sami (A-17) at Gauri Palya, Bengaluru for a second time along with Asif @ Arman Sani (A-10), Abdul Ahad (AW-1) and Afzal (A-7).

**17.14.3** Investigation affirmed that in the month of September, 2014, accused Syed Mujahid made arrangements for a programme for Mufti Abdus Sami (A-17), at that time Shareef Moinuddin (A-8) [REDACTED] [REDACTED] and [REDACTED] / [REDACTED] [REDACTED] came to attend the programme at Tumkur, so they got acquainted with (A-14). On the very next day there was another programme of Abdus Sami (A-17) which was attended by Mohammed Afzal (A-7) and accused Syed Mujahid. After the programme both of them met accused Abdus Sami and discussed various issues including ISIS and jihad with the Mufti. From then onwards all three of them used to talk over phone regularly. Whenever there was Jalsa of Mufti Abdus Sami, in Tumkur, Syed Mujahid and Mohammad Afzal used to meet Mufti Abu Sami.

**17.14.4** Investigation confirmed that accused Syed Mujahid attended the programme of accused Abdus Sami Qasmi (A-7) in Hyderabad. In Hyderabad

Syed Mujahid stayed in the house of Shareef Moinuddin (A-8). In November 2015, Shareef Moinudeen went to Bengaluru to attend the *bayaan* of Mufti Abdus Sami and in Bengaluru he stayed in the house of accused Syed Mujahid.

**17.14.5** Investigation further substantiated that in the month of August 2015, accused Syed Mujahid went to forest area 10 Km away from Tumkur, along with his associates (A-7), ██████ @ ██████, ██████, Mohammed Abdul Ahad (AW-1) all resident of Bengaluru. All of them met at Devarayana Durga State Forest of Tumkur. There Syed Mujahid (A-14) appealed to everybody present for establishing *Baitul Maal* (collection of money to help fellow Muslims) and also *Maal-e-Ghanimath* (booty of war/ money collected through loot and plunder. Asif Ali (A-10) exhorted everyone present to support ISIS and work together for strengthening the network of ISIS in India and make persistent efforts for establishment of *Khilafat* in India. This fact is corroborated in the CDR analyses report, in respect of the mobile numbers used by the accused persons, disclosure and Pointing-out memo of (AW-1) and confessional statements (AW-1) and Afzal recorded u/s 164 CrPC and statements of two witnesses recorded u/s 164 CrPC.

**17.14.6** Investigation established that accused Syed Mujahid, had also attended meeting at the house of Afzal (A-7) on 25.10.2015. The meeting has been mentioned in detail at para No. **17.2.9** of the charge sheet.

**17.14.7** Investigation further revealed that Syed Mujahid (A-14) was using various social media platforms like WhatsApp, Telegram, Trillian, Signal and Viber and was a member of a number of closed chat groups on these social media networks. These groups were used to discuss various issues related with ISIS and *Khilafat*. In this regard requests under MLAT and Letters Rogatory have been sent to the countries concerned to obtain evidence i.e. contents of the chats which took place among the accused on the aforesaid social media platforms.

**17.14.8** Investigation confirmed that accused Syed Mujahid (A-14) was using email Id [mdsuhail436@gmail.com](mailto:mdsuhail436@gmail.com) with password was XXXXXXX861. His Facebook ID was XXXXXXX605 with password is XXXXXXX861. These were activated with the help of accused Asif Ali. Sohail used to access his Facebook account three to four times a day and most of the time he used to search Jihadi/ISIS related news in Urdu, which was easy for him to read. He used to often visit a page *Dawat-e-Haq* Facebook, which was is related to the activities of ISIS. Since, Syed Mujahid did not understand English he used to seek the help of Asif Ali for browsing certain websites and accessing news and information regarding ISIS. Over a period of time accused Syed Mujahid and Asif Ali became very good friends hence, the latter used to access internet on Syed Mujahid's mobile phone and read news related with ISIS and the Caliphate in Syria.



**17.14.9** Investigation established that accused Syed Mujahid had used different social media platforms viz. Facebook, Skype and WhatsApp and mobile numbers to interact with his associates and likeminded people. An i2 link-chart of inter-connectivity of accused A-14 with other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by A-14.

**17.14.11** Investigation revealed that accused Syed Mujahid was using internet facility on his mobile to access various websites and social media networks to communicate with co-accused. IPDR (Internet Protocol Detail Report) was procured from the concerned network companies. The analysis report on the basis of the IPDR is placed on record.

**17.14.12** Investigation brought on record that during the search conducted at residential premises of A-14, incriminating documents, material to fabricating IEDs, mobile phone, SIM cards, and a laptop were recovered through seizure memo dated 22.01.2016. Seized material i.e. 02 hydrogen bottles were forwarded to DFS Gandhinagar for forensic examination & expert opinion. The expert opinion was furnished by DFS Gandhinagar on 08.07.2016. As per the opinion "*Hydrogen peroxide is generally used as an oxidizer*". Syed Mujahid had kept two bottles of Hydrogen Peroxide in his residential premises more than a normal routine because Hydrogen Peroxide can be used as high explosive if acetone is mixed in it.

**Imran Khan Pathan (A-15)**

**17.15** That accused Imran Khan Pathan @ Imran @ Imran Moazzam Khan @ Qasim (hereinafter to be referred as Imran/A-15) was born on 30/01/16 at Vaijapur, is a permanent resident of Shahbazpura, Bardi Masjid area Vaijapur, district Aurangabad, Maharashtra. He completed BCA (from Yashwant Rao Chavan Open University Aurangabad) and one-year Diploma in hardware networking. From his college days A-15 was inclined towards religious matters and always used to discuss with his friends about atrocities being committed against Muslims all over the world. He had strong views on the armed intervention by western powers in the Middle-East and Afghanistan His inclination towards militant Islam and Jihadi mind-set was well known to all his friends, in Vaijapur and hence, they had nick named him "*Jihadi*".

**17.15.1** That accused Imran A-15 was arrested on 22.01.2016 from his residence. During the search conducted at his residential premises 02 laptops, 03 mobile phones, 02 pen drives, 01 card reader, 02 hard disks, 02 CDs, 07 SIM cards, wi-fi dongle, incriminating documents, material for fabricating IEDs and Rs. 50,000/- in cash were recovered and seized vide seizure memo dated

22.01.2016. Electronic devices seized from his housed were sent to CERT-In for forensic analyses and expert opinion thereof.

**17.15.2** Investigation disclosed that Imran (A-15) sometime in November 2013, when he was browsing his Facebook page (Id “Imran Khan” linked with e-mail Id [imk09@rediffmail.com](mailto:imk09@rediffmail.com)) came across a Facebook page *Isabah*. *Isabah* is a page created by *Ansar-Ut-Towheed (AUT)* for posting propagating its ideology and views on Jihad, accused Yusuf (A-19) was a member of *Isabah*. Hence, Imran befriended Yusuf (A-19) on Facebook and started chatting with him. On enquiring about *Ansar-Ut-Towheed*, Yusuf told him that he was the chief of the said organization and it was formed in the bordering areas of Afghanistan/Pakistan and has a Jihadi ideology. Later accused Imran came to know from Yusuf that this organization is now working with ISIS, and Yusuf had also migrated to Syria after the declaration of *Khilafat* by Abu Bakr al-Baghdadi and was fighting for the cause of ISIS. Accused Yusuf used to send links of *Jihadi* literature to Imran and he totally radicalized him towards ISIS/jihad. Accused Imran had downloaded a book namely *Jihad Aur Aitraazat Ka Ilmi Jaiza*, and made its copies and distributed these to like-minded persons, out of which three numbers have been seized from his residential premises at the time of search conducted on 22.1.2016.

**17.15.3** Investigation corroborated that accused Yusuf (A-19) asked accused Imran not to communicate on Facebook and through emails and advised him to communicate on Skype. Subsequently, accused Imran created a *Skype* account in the name “*james.saymonds*” or “*james.saymonds09*” associated with email Id [james.saymonds09@hotmail.com](mailto:james.saymonds09@hotmail.com). Accused Imran communicated with Yusuf on his Skype account “*Yusuf Al Hindi*” and Id as “*dinkeliye*”. After few months Yusuf provided accused Imran another Skype Id “*tiger.boss*” and same display name. After 6-7 months somewhere in January/February 2015, Yusuf created another Skype Id “*Sulaiman2450*” with display name Sulaiman Ahmed and forwarded the same along with password to accused Imran. Accused A-15 had a long discussion through this Skype Id “*Sulaiman2450*” with Yusuf i.e. ‘Faroq Khan’ The fact that Imran and Yusuf had interacted on Skype is corroborated in his disclosure of accused Imran and recoveries made under section 27 of Indian Evidence Act.

**17.15.4** Investigation substantiated that accused Imran was using *Trillian* chat messenger and he had interacted with Yusuf (A-19) using the Trillian Id *abukhalid 09*. The Trillian id of accused Yusuf A-19 was “*anjaan*”. Accused A-15 had lengthy discussions with accused Yusuf on Trillian mostly about ISIS and Jihad. The fact that Imran and Yusuf had interacted on Trillian Id *abukhalid09* is corroborated in the disclosure statement of accused Imran and subsequent recoveries made under section 27 of Indian Evidence Act.

**17.15.5** Investigation confirmed that Yusuf (A-19) had motivated Imran Khan to join ISIS and he sent a PDF document containing literature on bomb making through skype Id “*farooq khan*” to accused Imran on his Id ‘*Sulaiman*’. Accused Yusuf had also sent a PDF file on a link “*justpasteit*” regarding method for making bombs in Urdu language, which has been recovered from his HDD. As per the instructions given by accused Yusuf and on the basis of information available on the said PDF documents, accused (AW-1) purchased 01 decorative light, 01 metre electrical wire, one hollow metal GI pipe of about 2-inch diameter, two blue coloured GI caps to cover both ends of the pipe, an alarm clock of Orpat company and 9-Volt Battery from Mumbai and Aurangabad. Thereafter, accused removed the outer glass case of the said Orpat clock and tried to test the circuit using the Orpat clock, decorative light, wires and 9-volt battery as demonstrated in the above mentioned PDF document forwarded by Yusuf. The test was successful as the small bulb of the decorative light started glowing the moment both arms (hour and minute) of the clock touched each other. Deriving confidence from the success of the test after a couple of days, accused Imran purchased about 5 to 6 packets (10 pieces per packet) of ‘*sutali*’ bomb from Vaijapur market, Aurangabad. When A-15 was collecting fire-cracker powder by dismantling each sutali bomb in his room, his mother Salema Khan and elder brother Rahim Khan came to his room. On seeing what he was doing, they snatched the decorative lights, alarm clock, wire and the gun powder and threw it away in a garbage box but at that time they could not find the GI pipe. His family members knew about his Jihadi mind-set and therefore confined him to his room and also counselled him. The hollow GI pipe of 2-inch diameter with blue metal caps attached on both ends was recovered from the room of A-15 on 23/01/2016 at the time of his house search in presence of independent witnesses. This pipe was sent to DFS Gandhinagar for forensic analyses and expert opinion. The expert opinion was furnished by DFS Gandhinagar on 08.07.2016. As per the expert opinion, “*Exhibit-AA1 is a metal pipe which can be used as a container for explosive material to prepare IED and Potassium and Nitrate radicals, aluminium powder, free sulphur and carbon are detected in exhibit mark-AA-1, AA-6 and Exh-AA8.*”

**17.15.6** Investigation affirmed that in the month of November, 2015 accused Mufti Abdus Sami Qasmi (A-17) visited Aurangabad for a Bayaan on “*Fukon se chirag bujhaya na jayega.*” In Aurangabad, Imran Khan A-15 went to meet him in ‘*VIP Hotel*’ and in the evening to accompany him till Ganj-e-Shahida Masjid, Baijipura, Aurangabad where the Mufti was supposed to give the said Bayaan. After the Bayaan accused Mufti Abdus Sami and accused Imran had a long discussion on ISIS and jihad. Accused Mufti motivated accused Imran to join, support and follow the path of ISIS. The fact that accused Imran met Mufti at Aurangabad has been corroborated in the statement of a witness recorded under section 161 CrPC. Accused Imran was completely radicalised and was set

to tread on the path of ISIS and violent jihad. He stated that the reason why he chose to use mobile number XXXXXX313 was because it ended with 313. The number 313 has a symbolic importance in the Islamic pantheon as there were 313 soldiers in *Jung-e-Badar* which was the first important battle of Islam under the leadership of Prophet Mohammed.

**17.15.7** Investigation established that Imran visited Mumbai in the first week of November, 2015, and stayed at his sister's place at Kausa, Mumbra, Thane. During his stay at Mumbra accused used to chat with Yusuf and used the Wi-Fi internet facility available at his sister's place. In the said chat accused Yusuf asked him to meet one person namely Abu Musab @ Muddabir near Raghuleela Mall, Vashi, Navi Mumbai, he also asked him to assume the pseudonym "Qasim" for the meeting. Yusuf (A-19) told A-15 that Abu Musab would come and ask the address of any computer and mobile repairing shop that is how he should identify him. The moment accused reached at Raghuleela Mall, accused Abu Musa approached him and asked about a shop for repairing computers or mobile and thus the identification was complete. Then both of them sat at one place outside the mall and had a long discussion on ISIS and condition of Muslims all over the world. Abu Musba @ Muddabir also informed accused Imran that ISIS cadres had a meeting in Lucknow and an Ameer has been designated but didn't disclose the name and they concluded their meeting after sometime. In the CDR analysis report, in respect of the mobile numbers used by the accused persons the location of accused Imran and Mudabbir at the aforesaid date is confirmed.

**17.15.8** Investigation further established that in the month of December, 2015, accused Imran was advised to go to Mumbai and change his mobile number by Yusuf (A-19) and asked him to contact him. Accordingly, accused Imran went to Mumbai and contacted accused Yusuf who directed him to collect Rs. 50,000/- and a SIM card from Abu Musab (A-3). Abu Musab was waiting for him at the entrance of Raghuleela Mall. On reaching the Mall Abu Musab A-3 handed him Rs. 50,000/-, (50 notes of Rs. 1000/- denomination) and also gave him SIM card to communicate with Yusuf. Accused Imran wanted to invest this amount in his business and to take a room on rent in Pune for the purpose of engaging in activities related to expanding the base of ISIS in India. In this regard he tried to search a flat at Khondwa, Pune in the first week of January, 2016. The said SIM card and Rs. 50,000/- were recovered from the possession of accused Imran at the time of his house search in the presence of independent witnesses.

**17.15.9** Investigation revealed that accused Imran A-15 had used different social media platforms and mobile numbers to interact with his associates and likeminded people. An i2 link-chart of inter-connectivity of accused A-15 with other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by A-15.

**17.15.10** Investigation has revealed that accused Imran was using internet facility on his mobile to access internet and social media networks like Facebook, WhatsApp, Trillian, etc. to communicate with co-accused. IPDR (Internet Protocol Detail Report) was procured from concerned network companies. The analysis report of IPDR is placed on record.

**Azhar Khan @ Ikrama (A-16)**

**17.16** Investigation confirmed that accused Azhar Khan @ Ikrama (hereinafter referred to as Azhar/A-16), aged 20 years, son of Sh. Mohammad Toufeeq Khan, permanent resident of Barkhera Tehsil Goharganj, Police Station Obedullah Ganj, District Raon, (MP). Azhar (A-16) completed his primary education from the village school and thereafter he was sent to different Madarasa for religious studies. In the year 2010 he took admission in the Madrasa '**Darul-uloom**' in Deoband, UP for an 8 year Almiyat course. During Almiyat course he studied the Quran, Hadith, Matif, Falsafa, Ficara and learnt Arabic language. During the course, use of mobile phones, computer was restricted, even TV was not available in the hostel of the Madarasa. The accused was interested in reading newspapers, to know about the current affairs world over, as he found himself cut off from the world in the Madrasa. In the year 2012 the accused started reading Urdu newspapers to update him with the current affairs. In 2014, he started going to a Cyber cafe namely I-Net in Deoband to read a newspaper namely *Al Kalum* on Internet, this Newspaper is published from Pakistan, most of the news in it is rabidly anti-India and pro individuals/terrorists like Azhar Masood (wanted terrorist in India). In the said newspaper some religious matters (*Deen*) were also published in articles. This gave the accused a different perspective and he became more inquisitive about developments in the Muslim countries, especially with regard to religious churning and associated movements. In the year 2013-14, he partially read some books of Azhar Masood in *Al-Qalam* and got influenced with his thoughts in the year 2014, one [REDACTED] [REDACTED] (his classmate), from Golpara, Assam, brought books like '**Wazb-e-Hind-ka-Shehbaz**' written by a Kashmiri girl Sadia, who was wife of famous Mujahidin '**Gazi Baba**' (according to them) and history of Afiya Siddiki a scientist of Pakistan. These books influenced him and motivated him towards violent jihad. Hence, the accused started discussing matters related with jihad and news regarding atrocities being committed against Muslims all over the world, with his classmates.

**17.16.1** That Azhar Khan (A-16) was arrested on 01.02.2016 from Bhopal, Madhya Pradesh. During his personal search one Micromax dual sim mobile was recovered and seized vide personal search memo dated 01.02.2016. The said mobile phone was sent to CERT-In for forensic analyses and expert opinion thereof.

**17.16.2** Investigation revealed that in the middle of 2014, one of the classmates of the accused namely [REDACTED], resident of Roorkee, Haridwar, arranged a meeting of the accused with Azeem, Akhlaq and Meraj who are all residents of Haridwar, Uttarakhand. In the meeting they had a profound discussion on *Tanzeems like Indian Mujahedeen (IM), Students Islamic Movement of India (SIMI) and Taliban*. Akhlaq and Meraj started to visit Deoband, regularly, whereas Azeem joined them occasionally. One Osama also joined them and visited Deoband two-three times. They did not discuss anything over phone and often used to ask accused Azhar about tanzeems such as '**Ansar-ut Tohweed**' @ '**Fi-bilad-ul-Hind**' (AUT) which were a corollary to the phenomenon of IM in India. In the year 2015 A-16 came to know that Akhlaq, Meraj, Azeem and Osama were active members of AuT and were in regular touch with one "Abu Yusuf al Hindi", who was operating from Iraq or Syria and working for ISIS. All the four persons mentioned above were later on arrested in NIA case RC-09/2015/NIA/DLI.

**17.16.3** Investigation revealed that in the month of October 2015, Akhlaq succeeded in convincing Azhar (A-16) to support ISIS and gave him the *Trillian Id* of Abu Yusuf (A-19) i.e. 'Gumnam'. Azhar (A-16) asked his friend, who was Imam of a Masjid to create a Trillian Id on his phone, as A-16 did not have an Android phone. Azhar's friend created a Trillian Id as 'Abuzarazad' on his smart phone. Thereafter, Azhar (A-16) contacted Abu Yusuf (A-19) over Trillian. Abu Yusuf (A-19) convinced accused A-16 to support the Islamic State of Iraq and Syria. As and when accused A-16 wanted to talk with Abu Yusuf, he used to take the smart phone of his friend. Abu Yusuf also advised him to arrange a Mazlis (a special meeting or gathering) in Deoband. One day Abu Yusuf told him that a Mazlis with other like-minded people had been fixed in Lucknow. Akhlaq also informed him about the mazlis at Lucknow. In this regard statement of one witness has been recorded u/s 164 CrPC, which has corroborated that Azhar's friend had created his Trillian Id and accused had used his Android phone to interact with Yusuf (A-19).

**17.16.4** Investigation confirmed that Yusuf-Al-Hindi (A-19) was the kingpin who connected various individuals, all over India, who were inclined towards ISIS. Similarly, accused A-16 organised a meeting at the behest of accused A-19 at Deoband on 11<sup>th</sup> of September, 2015. The details of the meeting has been mentioned in para No. **17.3.8** of the charge sheet.

**17.16.5** Investigation further disclosed that in the month of October 2015, Akhlaq and accused Abu Yusuf (A-19) directed accused A-16 to go to Lucknow and attend a meeting with other operatives of ISIS. Abu Yusuf while chatting with A-16 advised him to take an oath (*Baith/Bayah*) in support of ISIS, which was necessary to demonstrate, one's loyalty towards the ISIS. A-16 agreed and A-19 sent the draft of an oath which was in Arabic language. A-16 wrote the

oath on a paper and took a photo of it and sent it back to (A-19) for his information. The oath (Baith/Bayah) as mentioned in the draft read “*Mai Musalmano Ke khalifa Ibrahim-Bin-Awwad-Bin Ibrahim Al Husani-al Qersi se Baith karta Hoon, Sunne aur Manane par Achi halat aur Buri Halat Khushi aur Gam main aur is bat par ki hamare upar kisi ko Bada darja Diya jaye Aur is bat par ki hum Hakimon se nahi jhagdenge, Yahan tak ki Hum unse aisi cheej Dekhlen jo unko Islam se Bahar Karde Aur Is par Hamare Pas Alla Tala ki Taraf se Koi Daleel bhi Ho*”. After this oath accused Azhar (A-16) became a dedicated and faithful member of ISIS.

**17.16.6** Investigation brought on record that on 1<sup>st</sup> November, 2015 a meeting was held in Lucknow, at the behest of accused Yusuf (A-19) with an agenda to establish *Khilafat* in India and formation of an organization namely “**Junood-ul-Khilafa-Fil-Hind**” which will derive its inspiration from the ideology of ISIS and struggle to achieve the goals and objectives of ISIS. The meeting has been mentioned in detail in para No. **17.2.5** & **17.2.6**.

**17.16.7** Investigation further revealed that after assigning the responsibilities, A-2 cautioned everyone that they should not come under the radar of intelligence agencies and they had to work very secretly. Then they decided to look for hideouts in some isolated area. Mudabbir @ Musab (A-3) suggested one hideout in South India and he also informed that he had got some money, about Rs.4-5 lakhs from Abu Yusuf (A-19) for organising meetings, travel expenses, recruitment and training to enhance the subversive activities of ISIS in India. A-16 was of the opinion that they should make their own *Jihadi Army* like ██████████ and fight for the human rights of Muslims. A-2 gave his suggestions about working for the organisation by raising finances and developing secured tools for communicating among themselves. Later in the evening when Yusuf (A-19) came online to chat with Khalid, he designated Mudabbir A-4 as Ameer and Azhar as Naib Ameer. The CDR analyses report in respect of mobile numbers used by the accused corroborated the meeting which took place in Lucknow. This fact has been corroborated in the statement of one witness recorded u/s 164 CrPC that Azhar had visited Lucknow for attending the said meeting.

**17.16.8** Investigation substantiated that in the month of December, 2015 Azhar (A-16) along with some other students was expelled from Madarsa *Darul-Uloom* for protesting against the management. After expulsion from *Darul-Uloom Madarsa Deoband*, accused A-16 directed one of his friends (witness) (Bijnore, UP), ██████████ (Rampur UP), ██████████ (Sironj, MP), ██████████ (Muzaffarnagar UP), ██████████ (Behraich UP) to go to the ██████████ areas to establish contacts with ██████████. ██████████, ██████████, ██████████ and ██████████ went to Hazaribagh (Jharkhand) to get it touch with the ██████████. After a short time without completing the task one of his friends (witness) returned to his home (Bijnore). In the meantime, family members of ██████████ pressurised the said friend to

reveal the whereabouts of Mubassir. Azhar's friend assured them that he was all right and went to Hazaribagh to get Mubassir back to his home. On reaching Hazaribagh, Jharkhand, he pleaded with all of them not to go ahead and asked them to return to their respective homes. Consequently, they all returned to their respective homes. In this regard statement of one witness has been recorded u/s 164 CrPC which corroborated the aforementioned facts.

**17.16.9** Investigation confirmed that Azhar (A-16) had used different social media platforms like Facebook and Trillian for different interacting with Yusuf and his associates. An i2 link-chart of inter-connectivity of accused A-16 with other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by A-16.

**Mufti Abdus Sami Qasmi @ Samiullah (A-17)**

**17.17** That accused Mufti Abdus Sami Qasmi @ Samiullah @ Hafiz'hullah @ Mulla Hareta (hereinafter to be referred as Mufti/A-17) son of Gulam Husain, permanent resident of House Number 107, Village Hareta, District Tehsil Rampur (Uttar Pradesh), date of birth 14.04.71 and was residing at two places prior to his arrest; 1) Y-78, Welcome, Seelampur, PS Welcome, Delhi-53 and 2) House No.-132, 2nd floor, Mata Mandir Wali Gali, Rajput Mohallah, Gonda chowk, Police Station Zafrabad, New Delhi-53. Accused Mufti runs two Madarsas, one at Hapur and another one in Rampur, U.P and also has a trust by the name FACT. Accused Mufti left formal schooling after 8<sup>th</sup> class, as his father wanted him to become an Imam for which religious education was essential. Accused Mufti took religious education from different Madarsas, and finally passed out from *Darul-Ulum-Deoband*, Saharanpur, UP.

**17.17.1** A credible input was received that Mufti Abdus Sami (A-17) in the guise of a religious preacher was inciting, motivating and instigating Muslim youths, who sought his guidance in waging violent jihad and in supporting and joining the Islamic State of Syria and Iraq. His two mobile phone numbers XXXXXXXX736 and XXXXXXXX736 were taken on technical surveillance by the NIA and to ascertain his role in supporting and spreading the ideology of ISIS in India. Subsequently, Mufti Abdus Sami (A-17) was made to join investigation and was examined, to assess his involvement in this case. After assessing his role and involvement in the instant case, accused Mufti Abdus Sami (A-17) was arrested on 05.02.2016. One Dell laptop and 03 mobile phones were seized from the accused at the time of his arrest. The seized electronics devices were sent to CERT-In for analyses and expert opinion thereof.

**17.17.2** Investigation disclosed that since February, 2014, the accused Mufti Abdus Sami had delivered a number of religious speeches and sermons (*Bayaans*) which were out rightly inflammatory in character arousing and inciting the audience, mostly comprising of young Muslim men to support ISIS.



One of the *bayans* delivered by him was on “rise of Caliphate of Abu-Bakar-Bagdadi.” These bayans were delivered by the accused at different places in the State of Gujarat, Maharashtra, UP, Karnataka, etc. He regularly communicated and met Muslim youths, who sought his guidance in joining the path of violent jihad and joining the ISIS. Mufti Sami (A-17) had also motivated Muslim youths to migrate (*hijra*) to different places to further the cause of *Khilafat*, including but not limited to Iraq and Syria. This fact has been corroborated in the statements of witnesses recorded u/s 161 CrPC as well as the statement of witness recorded u/s 164 CrPC.

**17.17.3** Investigation has revealed that accused Mufti Abdus Sami (A-17) was in contact with many Muslim youths and instrumental in radicalizing them towards violent *jihad* and motivating them to join ISIS. Mufti Sami (A-17) was also in touch with Mohammed Hussain Khan (A-13) and told him to honour and respect the Islamic flag. During the course of investigation disclosure statement of accused Mufti was recorded and recoveries u/s 27 of Indian Evidence Act were made. Excerpts of some of the messages recovered from his Facebook Id Mufti Abdus Sami are as listed below:

*Mufti AbdussamiThursday, December 26, 2013 at 9:17pm UTC+05:30*  
*islami flage sa muhabbat hona hamra farizah ha na ki dusra kisa jhanda sa*  
*Mohammed HussainThursday, December 26, 2013 at 9:18pm UTC+05:30*  
*Ahzrat muje Urdu bate sahi nai hate agar mera batome appka beizati ho muje*  
*mafkar dharqas he mera*  
*Mufti AbdussamiThursday, December 26, 2013 at 9:27pm UTC+05:30*  
*ap ulam e kiram sa maloom karan ki islami flag ka colour kaisa hota ha*

**17.17.4** Investigation disclosed that accused Mufti Sami had also shared some videos, web links and text on Syria and Islamic State on his Facebook Id Mufti Abdussami messenger. Some pictures have been retrieved showing the flag of ISIS/ISIL, including a picture depicting the flag of ISIS hoisted atop the ‘White House’ with a caption “ISLAM THE FUTURE OF AMERICA”. However, the Facebook accounts were blocked for sharing incriminating link pages; therefore, the link pages could not be seen or downloaded. Excerpts of some of the messages recovered from his Facebook Id Mufti Abdus Sami are as mentioned below:

*Naeem Hasan FarooquiMonday, February 17, 2014 at 12:39am UTC+05:30*  
*mene suna hai unhone kaha tha jihad us wqt tk jayz nahi jb tk dawat ki itmane*  
*hujjat puri na ho jaye.*  
*Naeem Hasan FarooquiMonday, February 17, 2014 at 12:42am UTC+05:30*  
*me apke bayanat ki kitab b laya tha deoband se*  
*Mufti AbdussamiMonday, February 17, 2014 at 12:42am UTC+05:30*  
*ab esa nahin hai yah hukm ibtiday islam men tha bad men man sookh ho gaya*  
*ab dawat sirf mustahab ha na kiferz*

Ahmed Bin Muhammad Wednesday, February 19, 2014 at 11:31am UTC+05:30  
Video: Arab tribes give WARNING TO THE TRAITORS in Hasaka and on alert to  
GIVE FULL support ISIS LIONS  
Amer Mosa, Mufti Abdussami



The above mentioned image has been retrieved from the recovery made u/s 27 of Indian Evidence Act of accused Mufti Abdus Sami (A-17).

**17.17.5** Investigation confirmed that Mufti Sami (A-17), since November 2013, had uploaded a number of religious speeches / lectures / bayans delivered by him at various places in India, on his website tAmeereummat.com consequently saved in his Gmail account Id [abdussami9810@gmail.com](mailto:abdussami9810@gmail.com) in an folder named *archived*. During the course of investigation his disclosure statement was recorded and recoveries u/s 27 of Indian Evidence Act were made and all the available uploaded lectures were downloaded. Lectures were analysed and their transcripts were prepared. On scrutinizing his speeches/bayans it was found that they have highly incriminating, vitriolic and explicitly and unequivocally support the ISIS and what it stands for. Accused Abdus Sami in his speeches/ bayans eulogizes the formation of ISIS, propagates its Ideology, sings paens in support of *Abu Bakr Al Baghdadi*, projecting members of ISIS as the real fighters of Islam and role model for Muslims around the world, exhorting Indian Muslims to sympathise with the cause of ISIS and cross over the international boundaries and join the holy war of Khilafat thus providing Ideological and theological support to *the so called Islamic Khilafat* established by the ISIS. During the course of investigation voice sample of accused Mufti was obtained and sent to DFS Gandhinagar, Gujrat for comparison and expert opinion thereof. Excerpts of some of the speeches of Mufti Abdus Sami recovered under section 27 of Indian Evidence Act, are as under:

151029_001	Advocated caliphate and indirectly instigated Muslims youth to migrate towards Syria. At 1:05:12 he says "MULKE SHAM KE HALAT PR NAZAR DAL LO. JINKI AANKHO PR PARDA PADA
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	<p>HUYA HAI, JO CHASME KHARID KR ABU JAHAL SE AYE HAIN UNHE ES HALAT KA NOOR NAZAR NAHI AYEKA. UNHE MOHAMMAD KE GULAMO KI KURBANIYA NAZAR NAHI AYENGI. WO TO YE SAMJHENGE KI JAHIL HAIN, JADUGAR HAIN, NA JANE KAUN HAIN KAHAN SE AYE HAIN, HAME NAHI PATA, HAME TO KUCHH NAHI PATA. MANGO ALLAH TABARAK BATALA SE BIRASAT-E-IMAN, NOOR-E-IMAN ALLAH TABARAK BATALA SE MANGO. EK TARAF AUSTRALIA KE NAUJAWANO KO HAQ NAZAR AA RAHA HAI, GERMANY KE NAUJAWANO KO HAQ NAZAR AA RAHA HAI, BARTANIA KI BAHANO AUR BETIYON KO NAZAR AA RAHA HAI, KURDON KO NAZAR AA RAHA HAI, TURKEY KE LOGON KO NAZAR AA RAHA HAI. KITAB-O-SUNNAT KO ROZANA PADHANE WALON, ALLAH TABARAK BATAL KE SAMNE GIDGIDAO”</p> <p>Further at 1:16:10 he says, “ALLAH TABARAK BATAL SHAM KE ES MARKE ME AHL-E-HAQ KO FATAH NASEEB FARMAYE AUR HAM JAISE GUNAHGARO KO HAMARI HAI SIYAT KE MUTABIK AHL-E-SHAM KE HAQ-PARASTON SE MOHABBAT NASEEB FARMAYE”.</p>
150202-001	<p>14:56- “HAMARE SCHOOLON ME PADHAYA JATA HAI KI SARE JAHAN SE ACHCHHA HINDOSTAN HAMARA. SARE SARE JAHAN SE ACHCHHA KAISE HO JAYEGA, ISLIYE KI HM GOLDEN TEMPLE HAIN..... .. SARI DUNIYA ME AFZAL MAKAM WAHI HAI JAHAN QURAN UTARA HAI..... CHAHE TUM KITNE HI KAHATE RAHO. HINDI HINDU HUSTAN. NIKAL DO JAHANO SE YE TAMAM CHIJE”</p>

**17.17.6** During the course of investigation, the voice sample of accused Mufti was obtained and sent to the DFS Gandhinagar, Gujrat for comparison and expert opinion. The expert opinion was furnished by DFS Gandhinagar on 16.07.2016. As per the expert opinion, “*The auditory analysis of recorded Voice samples of speakers marked **SP-1 to SP-18 and CS-1** and subsequent acoustic analysis of Voice samples of speakers marked **SP-1 to SP-18 and CS-1** by using Automatic Speaker Identification System (ASIS) and Computerized Speech Lab. (CSL 4500) revealed that the voice exhibits of the speaker marked as **SP-1 to SP-18** and voice exhibits of the speaker marked as **CS-1** are similar in respect of their acoustic cues and other linguistic and phonetic features. Hence, it is opined that the voice exhibits of speakers marked as **SP-1 to SP-18 & CS-1** are voice of the same person (i.e. Abdus Sami S/O Gulam Hussain) with high probability*”.

**17.17.7** Investigation revealed that mobile numbers XXXXXXX736 and XXXXXXX736 of Mufti Abdul Sami Qasmi @ Mufti Abdus Sami Qasmi Hafiz’hullah @ Samiullah were taken on technical surveillance by the NIA and a soft copy of the lawfully intercepted calls and its transcripts were obtained from SP (I&O), NIA, New Delhi. It was ascertained that during the period between 11.06.2015 and 14.9.2015 the accused had made a number of suspicious and

questionable calls/conversations. Details of some of these calls are as listed below:

i) One [REDACTED] of Bijnore then user of mobile number XXXXXXX538 and XXXXXXX484, having being inspired by his speech on ISIS and mention of Abu-Bakar-Baghdadi had called Maulana Abdul Sami Qasmi on 11.6.2015 and 05.08.2015 to know more about Iraq and Abu-Bakar-Baghdadi. In response to his query Abdul Qasmi on 11.6.2015 had stated that “*je phone pe sarey bat bata nahin jate na puchi jati*”.

ii) That he had visited Budhana (Muzafaranagar), Munger, Bengaluru, Lucknow, Aligarh, Sambal, Rampur & Nagpur for addressing religious congregations. He also received request for same kind of speeches, especially on the rise of the Caliphate of Abu-Bakar-Baghdadi.

iii) During his visits after addressing the general gathering, he used to especially address the Muslim youths for motivating them for Jihad. One Shahzad arranged a special discourse for Muslim youths at Gori Palli Mosque at Bengaluru. It was ascertained that the accused was great admirer of Abu-Bakar-Baghdadi and his jihadi activities. In one of the calls he has revealed about his suspicion of being monitored by Intelligence Agencies and avoided direct conversations on the subject, though he insists on personal meeting for discussion on jihadi matters.

iv) He also received calls from Panama City (Qari Abbas, resident of Gujrat, Indian Number-XXXXXXXX209), Pakistan (Abdul Wajid, VOIP call), One Illyas (USA), Saudi Arabia (XXXXXXXX30883) & Saudi Arabia ([REDACTED]), resident of Jaunpur (UP). Both of them run Madrasas in the respective countries and were interested in discussions on Jihadi matters.

**17.17.8** Investigation revealed that accused Mufti (A-17) had used different social media platforms like Facebook and WhatsApp and mobile numbers to interact with his associates and likeminded people. An i2 link-chart of inter-connectivity of accused A-17 with other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by A-17.

#### **Ashik Ahammed (AW-2)**

**17.18** That Ashik Ahammed @ Raja @ Raj (hereinafter to be referred as (AW-2)), aged 19 years (DOB- 16.03.1997), son of Sh. Golam Rasul Sekh is a resident of Khamardanga, Majherpara, P S-Dhaniakhali, district Hooghly-712402, West Bengal. That A-18 was studying in the second semester of Diploma in Mechanical Engineering from Rajendranath College of Polytechnic, Gopalpur, Durgapur, West Bengal. In the middle of 2014, AW-2 read a book in which it

was stated that one Imam Mehdi will rise at a place called Khurasan in Afghanistan. It was a prophecy made by the Prophet Mohammad long time back. This man called Imam Mehdi will give justice to people against the misdeeds of the tyrants. After reading this book AW-2 got drawn towards Islamic theology and developments in the contemporary world regarding Islamic religious movements. He opened a *Facebook* account in the year 2014, with Id ASHIK PATHAN and on *Facebook* he read posts like “*children of Gaza in smile and tears*”, “*Support for Palestine*”, “*Justice for Palestine*”, “*Israil vs Palestine*” & “*Dini Raah*”. He also read about *Khilafa* in the book of Imam Mehdi. After which (AW-2) started adding more contacts to his friends list especially, some likeminded people belonging to Afghanistan. Hence, slowly but steadily the accused like many other young Muslims got drawn towards the quagmire of violent jihad.

**17.18.1** Investigation brought on record that Ashik Ahmed (AW-2) @ Raja @ Raj of Burdwan, West Bengal was in continuous contact with accused Yusuf (A-19) and Nafees (A-2). Moreover, Ashik Ahmed facilitated the visit of Nafees (A-2) to West Bengal, arranged for his place of stay and introduced him with some people who could help Nafees (A-2) in acquiring weapons. Mobile phone of Ashik Ahmed was seized vide production cum seizure memo on 27.02.2016. Mirror images of his mobile phone were received from CERT-In and scrutinised.

**17.18.2** Investigation affirmed that during the month of January 2015, Ashik Ahammed (AW-2) created a Facebook Id ‘*Mujahid Islam*’ in the name of “*Ishaq Pathan*” against mobile number XXXXXXX180. On Facebook he came in contact with many likeminded people. The discussions/chats on *Facebook* were on discussion on demolition of Babri Masjid and Dadri incident etc. He was also impressed with the speeches of Moulana Masood Azhar on Jihad. In the month of May/June, 2015 Ashik Ahammed came in contact with one Mohammad [REDACTED] on Facebook. Zaid told (AW-2) about the atrocities committed against the Muslims all over the world. The disclosure made by the Ashik (AW-2) and recoveries made u/s 27 of Indian Evidence Act clearly substantiate that (AW-2) got radicalised and was inclined towards violent jihad with all its manifestations, as witnessed in the conflicts which were going on in Iraq, Syria and Afghanistan. Ashik and his friends had also deliberated about targeting the right wing leaders in India. The excerpts of some of the relevant chats/messages of the accused are reproduced below:

*Syed Amin Ali Saturday, 7 March 2015 at 09:06 UTC+05:30*

*Aap kya karte ho*

*Mujahid Islam Saturday, 7 March 2015 at 09:08 UTC+05:30*

*Student hu aur jihad krta hu*

*Rahul Khan Saturday, 4 April 2015 at 15:07 UTC+05:30*

*Bhai o aur waqt nahi hai ab ready ho jao sar kata ne k liye*

*Islam WarSaturday, 4 April 2015 at 15:38 UTC+05:30*

*hm haq k lye khatny ko tyaar hen.*

*Mujahid Islam AimimSaturday, 4 April 2015 at 16:19 UTC+05:30*

*In sha Allah...*

*Rahul KhanSaturday, 4 April 2015 at 16:43 UTC+05:30*

*IN SHA ALLAH MARENGE TO SAAT ME 10 KAFIR KO SAAT ME LEKE*

*Rahul KhanSaturday, 4 April 2015 at 16:44 UTC+05:30*

*Sab se pahla target hoga India ka Gujarat me RSS k upar*

*Mujahid Islam AimimSaturday, 4 April 2015 at 16:45 UTC+05:30*

*Beshak..In sha Allah..*

**17.18.3** Investigation further established that Mohammad [REDACTED] introduced Ashik Ahmed (AW-2) to another person namely Ahmed Ali @ Yusuf (A-19) as his boss on Facebook. Ahmed Ali asked the subject to change his Id from Mujahid Islam to something else, after which (AW-2) changed his Facebook Id as “Aashiq Raja”. Ahmed Ali told (AW-2) that he got to know about him from Mohammad [REDACTED], who referred to Ashik as a devout Muslim and who may be ready to work for you (Yusuf). Ahmed Ali (A-19) also informed Ashik about his organization “**ANSAR-UT-TAUHEED-FI-BILAD-AL-HIND**” (AUT). Yusuf (A-19) expected that the Muslims from India should also go to Syria to do *hijra* and bring *Khilafat* in India as well. Yusuf @ Ahmed Ali informed (AW-2) that he had to go to “MAHAJ” (to go to war /fight). He also invited (AW-2) to join him in Syria. Recoveries made u/s 27 of Indian Evidence Act establish that the (AW-2) was in continuous contact with Ahmed Ali @ Yusuf (A-19). The excerpts of some relevant messages/chats are reproduced below:

*Ahmed AliThursday, 16 April 2015 at 10:22 UTC+05:30*

*Ye jang asal Aqeede ki hai .. Yane Islam aur kufr ki .. aur Islam bilkul wazah deen hai ....Allah ne Quran main farmaya .. Yaha tak laro ke fitna(kufr ka qalba) khatam ho jaye..*

*Ahmed AliThursday, 16 April 2015 at 10:21 UTC+05:30*

*Bhai .. Sab se Aham hota hai Aqeedah ... jis ke sahi hone ki waja se hum Jannat jayenge.. aur agrAqeedah sahi na ho to Jahannam .. Allah hum sab ki hifazat kare...*

*Ahmed AliSaturday, 5 September 2015 at 16:46 UTC+05:30*

*bhai maaf kijie ga main mahaz par gaya howa tha .. inA abhi bat hogi aap kab on hote hai bata dijie ga ...*

**17.18.4** Investigation revealed that during a chat on Facebook accused Yusuf (A-19) asked Ashik (AW-2) whether he was using ‘imo’ application or WhatsApp. In response (AW-2) informed him that he will soon arrange a new phone as his current phone does not support any application other than Facebook. (AW-2) also asked accused (A-19) to bring 2 (*two*) pistols with a silencer for him. On behalf of Yusuf (A-19) accused Mudabbir (A-3) gave a sum of Rs. 50,000/- to accused Nafees (A-2) with a direction to purchase a mobile phone for Raj @

Ashik Ahmed (AW-2). Accordingly, accused Nafees (A-2) purchased one Micromax Canvas mobile phone (android phone). A copy of the bill was procured from the said showroom and subsequently the mobile phone was seized from Ashik Ahmed (AW-2) through production cum seizure memo on 27.02.2016. The excerpts of some relevant and incriminating messages/chats of the accused are as reproduced below:

*Ahmed AliSunday, 12 July 2015 at 01:04 UTC+05:30*

*bhai ... ya aap imo use karte hai ... ya whats app wagaira?*

*Aashiq RajaSunday, 12 July 2015 at 14:08 UTC+05:30*

*mere mobile me fb k siwa ar koi apps nhi h*

*Aashiq RajaMonday, 28 December 2015 at 10:02 UTC+05:30*

*Ji mobile ka intezam ho jayega in A..Mai dekh raha hu offer wagaira..Ar us bhai ka kya hal h*

**17.18.5** Investigation further revealed that on 13<sup>th</sup> April 2015, Ahmed Ali @ Yusuf (A-19) had sent a link <https://justpaste.it/susi> to Ashik Ahmed (AW-2) on his Facebook Id Ashik Raja, in which he had sent some code words, for deceiving security agencies while on a jihadi mission and how to become a good foot soldier for ISIS. Yusuf also advised the AW-2 to go through the contents and not to disclose it to anyone else. The excerpts of some relevant and incriminating messages/chats are as reproduced below:

*Ahmed AliMonday, 13 April 2015 at 16:39 UTC+05:30*

*is ko parh lijie ga ... aur kisi ko filhal na dijei ga*

*Contents of link page <https://justpaste.it/susi> are as under:*

*Jasusi jis ko main ne susi likha hai  
Humare Nabi S ne susi ko badi ahmiyat di. Aap S ka nizam e susi bada mazbot  
aur fa'al tha  
Aap S ke susi nizam ki mazboti ka andaza is se laga ya ja sakta hai ke ..Aap S  
ne jasusi ke zarye dushman ke bare main durust malomat hasil kiye bagiar kisi  
kam ke liye koch ka hokum nahi diya  
susi main sab se aham apni security (ise main next scrti likhonga) hoti hai  
2: Hazir Dimag ho (Hazir Jawab)  
take Kisi police(ko main next time popo likhonga) ya an jci wale(is ko main next  
time jarasim likhonga)*

**17.18.6** Investigation confirmed that on 05.01.2016, Nafees (A-2) was received at Durgapur Railway Station by Ashik Ahammed (AW-2) at the behest of accused Yusuf (A-19). The details of meeting of Ashik (AW-2) and Nafees (A-2) have been mentioned in para No. **17.2.14** and **17.2.15**

**17.18.7** Investigation further confirmed that Yusuf-al-Hindi was known to Ashik Ahmed (AW-2) as Ahmed Ali. Ashik Ahmed (AW-2) interacted with Yusuf using his *Trillian Id ansar12 and Jack122*. Further, he also interacted with  
RC-14/2015/NIA/DLI

Yusuf on Chat secure using the id [Arijit@xmpp.jp](mailto:Arijit@xmpp.jp). At the initial stages, Ashik Ahammed (AW-2) had contacted Shafi Armar @ Yusuf through chat messenger in Facebook Id “Aashiq Raja”. Recoveries made u/s 27 of Indian Evidence Act have confirmed that Ashik and Yusuf had frequently chatted using the online Ids as mentioned above.

**17.18.8** Investigation revealed that Ashik Ahammed (AW-2) had used Facebook, Skype, Trillian, WhatsApp and different mobile numbers to interact with his associates and likeminded people. An i2 link-chart of inter-connectivity of AW-2 with other co-accused was also prepared on the basis of disclosure made by the accused and CDR analysis of mobile numbers used by AW-2

### **Shafi Armar @ Yusuf (A-19)**

**17.19** Investigation confirmed that Shafi Armar @ Shafi @ Yusuf-Al-Hindi @ Anjan Bhai @ Gumnam @ Chhota Maulla @ Chhota Nakua @ Ahmed Ali (hereinafter referred to as Yusuf/A-19) son of Hussain Shabeer Armar, resident of SRS 351, Haneefabad 1<sup>st</sup> Cross, Madeena Colony, Bhatkal, district Uttarakannada, Karnataka, previous address Hazi Manzil, Nawayath Colony, Bhatkal, Karnataka joined an organisation *Indian Mujahidin (IM)*, (a proscribed terrorist organisation in India) and became an active member of the said organisation. As an operative of IM, (A-19) hatched a criminal conspiracy along with other co-conspirators for commission of terrorist acts against the Government of India, with the intent to threaten the unity, security and sovereignty of India and with the intent to strike terror in the minds of people in India, by causing death and injuries to persons and damage and destruction of public property. (A-19) is also involved in a number of terror cases in India and has fled away from India to avoid arrest and indulge in terrorist activities while residing abroad.

**17.19.1** After fleeing from India, the accused was initially staying in the UAE or Afghanistan and with the support of Al-Qaida, raised an organisation (terrorist group) namely ***Ansar-ut-Tawheed-fi-Bilad-al-Hind (AuT)***, {(Supporters of Monotheism in the Land of India)} which is a jihadist organisation that encourages Indian men to participate in the jihad in both Syria and Afghanistan as well as propagates acts of violence against the Government of India. Shafi Armar became the chief of AuT, and used its media arm, ***al-Isabah Media***, to disseminate the message of hate against the Government of India and spread canards about atrocities against Muslims in India. AuT’s propaganda videos call for the overthrow of Hindu supremacy in India and the establishment of an Islamic *Caliphate* and are dedicated to Indian-origin Mujahidin who are participating in jihadist conflicts across the world. The AuT was active in India, though it is viewed as a transnational terrorist organisation with links to Syria and Afghanistan.



**17.19.2** Investigation has established that (A-19), who is presently based in Syria and is purportedly the media chief of ISIS made efforts to contact likeminded persons and interacted with lots of Indian youths through web based social media networks with an intention to motivate them for *Khilafat*. (A-19) had also contacted and interacted on web based social media networks with a number of accused persons arrested in this case for the purpose of recruitment, preparation of IEDs, identifying places for training and hideouts and finally committing terror strikes at various public places and vital installations in India.

**17.19.3** Investigation affirmed that accused (A-19) was in touch with one Khalid @ Rizwan Ahmed @ Azad of UP (accused in RC-02/2016/NIA/DLI), who contacted accused Nafees Khan (A-2) through *Trillian* a chat application and introduced him to Yusuf @ Gumnaam of Syria (A-19). Another accused in the case Nafees Khan (A-2) was determined to know about the factual position of the ongoing war in Syria and therefore, (A-19) also started communicating with Nafees Khan (A-2). During the course of the said communication, Gumnaam @ Yusuf started sending Islamic theological and jihadi literature including '*Hadith*' to Nafees Khan, which slowly radicalized Nafees and he eventually became inclined and motivated towards militant jihad. Yusuf was also instrumental in inspiring other likeminded Muslim youths, including but not limited to some of the accused arraigned in this case to advance the cause of ISIS and militant jihad. As a result, the accused persons arrested in this case formed an organisation called *Junood-ul-Khilafa-Fil-Hind* in the month of October, 2015, and organised a number of secret meetings in different cities in India, with the aim and objective to mobilize support, recruit Muslim youth, raise funds, train its members, fabricate IEDs and commit terrorist strikes at vital installations and public places in India.

**17.19.4** Investigation established that Gumnaam @ Yusuf at one stage enquired from Nafees whether he could make a bomb or not. Nafees informed that he did not know how to make a bomb. Hence, Gumnaam @ Yusuf sent him a link of "*just paste.it/Dekho*" and told him to download the material for assembling an explosive device from the link sent to him. The downloaded material/literature for making bombs/IEDs, as well as material for fabricating IEDs including; explosive powder, GI pipe, 9-volt battery and electronic wire and Chinese decoration lights have been recovered from accused Nafees (A-2) during his house search, in presence of two independent witnesses. Moreover, Gumnaam @ Yusuf had specifically instructed Nafees to download "*Nimbuzz*", "*surespot*" and "*Trillian*" chat applications so that the communications between them could continue, without being detected by investigation/intelligence agencies. It was Yusuf, who motivated Nafees to adopt the path of violent jihad, recruit gullible persons from all over India and ultimately work for the cause of establishing an *Islamic Caliphate* in India. Gumnaam @ Yusuf instructed Nafees

to form an organisation and name it as “**Junood-ul-Khilafa-Fil-Hind.**” (A-19) also directed accused Nafees Khan (A-2) to organise secret meetings in different parts of the country to strengthen the aforesaid organisation, motivate likeminded Muslim youths to join the organisation, decide on the structure and hierarchy of the organisation in India, delegate responsibilities to its members and finally commit acts of terrorism in India.

**17.19.5** Investigation affirmed that accused Yusuf-Al-Hindi (A-19) had used different social media platforms viz. Facebook, Skype, Trillian, Surespot, twitter, WhatsApp etc. and Ids to interact with his associates/ co-accused. Yusuf-Al-Hindi (A-19) frequently interacted with 08 (*eight*) accused arraigned in this case, using internet based social media platforms. A non bailable warrant against accused Shafi Armar @ Yusuf –Al-Hindi was issued by the Special NIA Court, New Delhi on 10.09. 2016. Further, a Red Corner Notice against accused Shafi Armar (A-2) was issued by the NIA Special Court, New Delhi, on 12.09.2014 in NIA Case No. RC-06/12/NIA/DLI dated 10.09.2012 u/s 121-A, 123 IPC and 17, 18, 18-B & 20 of UA (P) Act.

ii) Investigation confirmed that the accused persons were using different mobile numbers and they had contacted and interacted with their associates on web based social media networks for the purpose of recruitment, preparation of IEDs, identifying places for training and hideouts and finally committing terror strikes at various public places and vital installations in India. The accused persons used dozens of chat applications and more than 100 chat Ids to interact with their associates. In this regard 02 (*two*) requests under MLAT to USA, 01 (*one*) request under MLAT to Canada, 02 (*two*) requests under MLAT to UAE and one Letters Rogatory each to Ireland, New Zealand and Sudan have been sent for collection of evidence against the accused persons. The replies to the requests are still awaited. The report will be submitted before the Hon’ble court u/s 173(8) of CrPC on the receipt of replies from the respective countries.

## **18. Charges**

**18.1.** Investigation has established that the accused persons were using different mobile numbers and they had contacted and interacted with their associates on web based social media networks for the purpose of recruitment, preparation of IEDs, identifying places for training and hideouts and finally committing terror strikes at various public places and vital installations in India. The investigation has substantiated that the accused persons had formed an organization by the name of **Junood-ul-Khilafa-Fil-Hind** (a group seeking to establish *Caliphate* in India and pledging allegiance to ISIS/ISIL) to recruit Muslim youths to work for ISIS and commit acts of terrorism in India at the behest of one Yusuf-Al-Hindi @ Shafi Armar @ Anjan Bhai (wanted accused i.e. A-19), who is based in Syria and is purportedly the media chief of ISIS. For this

purpose, all the accused persons conducted several meetings in different cities at different time and dates all across India. The accused persons also contacted ██████ to understand their *modus operandi* in committing terror acts and they also had plans to buy weapons from the ██████. Some of the accused arrested had fabricated IEDs to commit terror attacks in India. The accused persons had also visited the isolated and forested region of Vikarabad and Narsapur in Telangana, to identify a suitable place for hide-out and training of its members. Investigation confirmed that the ISIS cadres had received financial assistance through *Hawala* transactions for the purpose of organising meetings, travel expenses, recruitment and training to enhance the subversive activities of ISIS in India. A couple of cadres had also raised funds to facilitate the other cadres to go to Syria to join ISIS and participate in the activities of Islamic State.

ii) All the above mentioned accused persons joined ISIS, a proscribed terrorist organisation in connivance with their other associates and thereby committed the offences under sections as mentioned below:

Accused No	Particular of the accused persons	Offence(s)
A-2	Mohammed Nafees Khan @ Fatima Khan @ Abu Zarrar @ Akram @ Hydra, son of Mohamed Afsar Khan resident of House No. 5-33, Nacherla, Gandeed, Ranga Reddy District, Telangana A/P Amena House, No.9-4-87/A/28, Ameena colony, Shaik pet, MD Lines, Toli chowki, Hyderabad-08.	Section 120B of IPC read with sections 17, 18, 18B, 38, 39 & 40 of UA(P) Act 1967 and sections 5 & 6 of the Explosive Substances Act, 1908 and substantive offence under sections 17, 18, 18B, 23, 38, 39 and 40 of UA(P) Act and sections 5 & 6 of the Explosive Substances Act, 1908
A-3	Mudabbir Shaikh @ Abu Musab Al Hindi @ Muddy s/o Mushtaq Ebrahim Shaikh resident of 404 Reshma Apartment, Amrut Nagar, Mumbra, Mumbai, Maharashtra.	Section 120B of IPC read with sections 17, 18, 18B, 38, 39 & 40 of UA(P) Act 1967 and sections 5 & 6 of the Explosive Substances Act, 1908 and substantive offence under sections 17, 18, 18B, 23, 38, 39 and 40 of UA(P) Act and sections 5 & 6 of the Explosive Substances Act, 1908
A-4	Abu Anas son of Amzad Khan resident of Mohalla Batwalan, near Gole Chabutra Police Staion old Tonk District - Tonk Rajasthan	Section 120B of IPC read with sections 17, 18, 18B, 38, 39 & 40 of UA(P) Act 1967 and sections 5 & 6 of the Explosive Substances Act, 1908 and substantive offence under sections 17, 18, 18B, 23, 38, 39 and 40 of UA(P) Act
A-5	Najmul Huda @ Najmu @ Arman @ Ameer Askari-Al - Hindi son of Saiful Huda resident of Door No-3-72/3,	Section 120B of IPC read with sections 18, 18B, 38, 39 & 40 of UA(P) Act 1967 and sections and substantive offence under

	Shahadat, Manzil, Near Usmaniah Masjid Peruda, Mangalore	sections 18, 18B, 38, and 39 of UA(P) Act.
A-7	Mohammad Afzal @ Abu Mariyam @Yasir son of Late Abdul Alam resident of No.529, 2ndCross, Aswathnagar, Thanisandra, Police Station Kadugondanahally, Bangaluru-560077.	Section 120B of IPC read with sections 17, 18, 18B, 38, 39 & 40 of UA(P) Act 1967 and sections 5 & 6 of the Explosive Substances Act, 1908 and substantive offence under sections 18, 18B, 38 and 39 of UA(P) Act.
A-8	Mohammed Shareef Moinuddin Khan @ Abdullah @ Gesu son of Late Mohamed Mainuddin Khan residence of H. No. 9-4-63/176, Nizam Colony, Tolichowki, Hyderabad, P.S Humyun Nagar(Telangana)	Section 120B of IPC read with sections 17, 18, 18B, 38, 39 & 40 of UA(P) Act 1967 and sections 5 & 6 of the Explosive Substances Act, and substantive offence under sections 17, 18, 18B, 38, 39 and 40 of UA(P) Act.
A-9	Suhail Ahamed @ Sohail @ Hafez Saab son of Umer Farooq resident of at Momin Pura, Mysore "Road, Bengaluru, Karnataka. permanent resident of 120, 8th Cross, Near Bombay Building, Poor House Colony, District Tumkur, Karnataka.	Section 120B of IPC read with sections 17, 18, 18B, 38, 39 & 40 of UA(P) Act 1967 and sections 5 & 6 of the Explosive Substances Act, and substantive offence under sections 18, 18B, 38 and 39 of UA(P) Act
A-10	Asif Ali @ Armaan Saami son of Mohammed Ismail resident of 14 <sup>th</sup> Cross 2 <sup>nd</sup> main Bapaji Nagar, Near Heera Masjid, Bangalore, Karnataka.	Section 120B of IPC read with sections 17, 18, 18B, 38, 39 & 40 of UA(P) Act 1967 and sections 5 & 6 of the Explosive Substances Act, and substantive offence under sections 18, 18B, 38 and 39 of UA(P) Act
A-11	Mohammad Obedullah Khan son of Musaq Ahmad Khan resident of H.No. 9-3-58/1/5, Mumtaz colony, Moti Darwaza, MD Lanes, Golconda, Hyderabad, presently staying at H.No. 9-4-87/14/1, Owaisi Colony, Tolichowki, Golconda, Hyderabad.	Section 120B of IPC read with sections 17, 18, 18B, 38, 39 & 40 of UA(P) Act 1967 and sections 5 & 6 of the Explosive Substances Act, and substantive offence under sections 18, 18B, 38 and 39 of UA(P) Act
A-12	Mohammed Aleem @ Mezbaan son of Mohammed Saleem , a permanent resident of village Bibiapur, post office Haidergarh, P.S- Kothi, District- Barabanki and his present address is 8-Basant Vihar, sector -11, Indiranagar, Lucknow, UP	Section 120B of IPC read with sections 17, 18, 18B, 38, 39 & 40 of UA (P) Act 1967 and sections 5 & 6 of the Explosive Substances Act, and substantive offence under sections 18, 18B, 38 and 39 of UA(P) Act.

A-13	Mohmmad Hussain Khan @ Jamil son of Hussain Khan resident of 204, 9 <sup>th</sup> Tulsi Bari Mazjaon Mohalla, Mumbai, PS-Baikula, Mumbai, Maharashtra, permanent address 401, Babu Kote Street Jamli Mohalla Mumbai, Maharashtra.	Section 120B of IPC read with sections 17, 18, 18B, 38, 39 & 40 of UA(P) Act 1967 and sections 5 & 6 of the Explosive Substances Act, 1908 and substantive offence under sections 17, 18, 18B, 38, 39 and 40 of UA(P) Act.
A-14	Syed Mujahid @ Mujju @ Abu Saad son of Syed Hussain resident of 120, 8 <sup>th</sup> Cross, Near Bombay Building, Poor House Colony, District Tumkur, Karnatka,.	Section 120B of IPC read with sections 17, 18, 18B, 38, 39 & 40 of UA(P) Act 1967 and sections 5 & 6 of the Explosive Substances Act, and substantive offence under sections 18, 18B, 23, 38 and 39 of UA(P) Act and sections 5 & 6 of Explosive Substances Act 1908.
A-15	Imran Khan son of Moazzam Khan resident of 3274 Shahbazpura, Bardi Masjid Area Vaijapur, District Aurangabad, Maharashtra.	Section 120B of IPC read with sections 17, 18, 18B, 38, 39 & 40 of UA(P) Act 1967 and sections 5 & 6 of the Explosive Substances Act, and substantive offence under sections 17, 18, 18B, 23, 38, 39 and 40 of UA(P) Act and sections 5 & 6 of Explosive Substances Act 1908.
A-16	Mohammad Azhar Khan @ Ikrama, son of Mohammad Toufeeq Khan, resident of Barkhera Tehsil Goharganj, Police Station Obedulla Ganj, District Raison, (MP).	Section 120B of IPC read with sections 17, 18, 18B, 38, 39 & 40 of UA (P) Act 1967 and sections 5 & 6 of the Explosive Substances Act, and substantive offence under sections 18, 18B, 38 and 39 of UA (P) Act.
A-17	Mufti Abdus Sami Qasmi @ Samiullah son of Gulam Husain, permanent resident of House Number 107, Village Hareta, District Tehsil Rampur (Uttar Pradesh), at present residing House No.-132, 2nd floor, Mata Mandir Wali gali, Rajput Mohallah, Ghonda chowk, Police Station Zafrabad, New Delhi-53	Section 120B of IPC read with sections 17, 18, 18B, 38, 39 & 40 of UA(P) Act 1967 and sections 5 & 6 of the Explosive Substances Act, and substantive offence under sections 18, 18B, 38 and 39 of UA(P) Act
A-19	Shafi Armar @ Shafi @ Yusuf-Al-Hindi @ Anjan Bhai @ Gumnam @ Chhota Maulla @ Chhota Nakua. son of Hussain Shabeer Armar, resident of SRS 351,	Section 120B of IPC read with sections 17, 18, 18B, 38, 39 & 40 of UA(P) Act 1967 and sections 5 & 6 of the Explosive Substances Act, and substantive offence

<p>Haneefabad 1<sup>st</sup> Cross, Madeena Colony, Bhatkal, District Uttarakannada, Karnataka. Previous address Hazi Manzil, Nawayath Colony, Bhatkal, Karnataka</p>	<p>under sections 17, 18, 18B, 23, 38, 39 and 40 of UA(P) Act. and sections 5 &amp; 6 of the Explosive Substances Act,</p>
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**18.2.** That the accomplice mentioned in the charge-sheet at column No. 12 at serial No. 01 & 02 have been tendered a pardon by the Hon'ble NIA Special Court. Other associates of the accused whose names are mentioned in the charge-sheet at column No. 12 at serial No. 03 to 06 have not been charge-sheeted for the want of evidence. As per the information available suspects at serial No. 1 & 2 are presently in Syria and have joined ISIS with the financial and logistical help provided to them by A-2, A-4 and A-19. Suspect at serial No. 03 is presently in Saudi Arabia and is acting as an intermediary between handlers of ISIS such as (A-19) and Muslim youths in India. The suspect at serial No. 04 had attended two meetings of *Junood-ul-Khilafa-Fil-Hind* at Devarayadurga/ Nijgal Hills, Tumkur and in the house of accused Mohammed Afzal (A-7) on 01.10.2015 and 25.10.2015, respectively. ██████ Asif resident of Tumkur figured as one of the suspects in the instant case as he had attended two meetings along with the accused in Tumkur and in the house of A-7. For which he was questioned/examined and during his questioning, he voluntarily expressed his willingness to disclose the entire matter before a judicial authority. Subsequently, the suspect was produced before Ld. Addl. CMM Court-15, Bengaluru but he turned hostile in front of the magistrate and his statement could not be recorded. In the investigation hitherto conducted sufficient evidence is not available to arraign the aforesaid suspects as accused in this case. However, if during the course of trial, adequate evidence surfaces against the aforesaid suspects they shall be prosecuted in accordance with the law or as deemed fit by the Hon'ble court.

**18.3** The sanction of prosecution under, section 45(1) of the Unlawful Activities (Prevention) Act, 1967 (as amended) issued vide order No. 11034/111/2015-IS-IV dated 19.07.2016, Government of India, Ministry of Home Affairs New Delhi is enclosed as **Annexure-IV**.

**18.4.** Accused Mohammed Nafees Khan (A-2), Mudabbir Mushtaq Shaikh (A-3), Abu Anas (A-4), Najmul Huda (A-5), Mohammed Afzal (A-7), Mohammed Shareef Moinuddin Khan (A-8), Suhail Ahmed (A-9), Asif Ali (A-10), Mohammed Obedullah Khan (A-11), Mohammed Aleem (A-12) and Mohammed Hussain Khan (A-13) were arrested on 22.01.2016, Syed Mujahid (A-14) and Imran Khan (A-15) were arrested on 23.01.2016, Mohammed Azhar Khan (A-16) was arrested on 01.02.2016, Mufti Abdus Sami Qasmi (A-17) was arrested on 05.02.2016 and all are presently lodged in the Central Jail Tihar, Delhi under

the orders of the Hon'ble Court. Accused Shafi Armar (A-19) is absconding and based in Syria and a Red Corner Notice against him has already been issued by the NIA Special Court, New Delhi, on 12.09.2014 in the NIA Case No. RC-06/12/NIA/DLI dated 10.09.2012 u/s 121-A, 123 IPC and 17, 18, 18-B & 20 of UA (P) Act.

**18.5.** It is therefore respectfully prayed that the Hon'ble Court may please take cognizance of this supplementary charge sheet filed under Section 173(8) of CrPC and commence the issue of process against all above mentioned 16 accused persons in accordance with the law.

**19. Dispatched on : 18.07.2016**

**20. Number of Enclosures : 04**

**21. List of Enclosures. : Annexure-1. (List of Witnesses)  
Annexure -II ( List of Documents)  
Annexure-III ( List of Material Objects)  
Annexure-IV. (Sanction for prosecution  
order by MHA)**

**Forwarded by:**

(Anurag Kumar, IPS)  
Chief Investigating Officer  
Superintendent of Police,  
NIA Hqrs, New Delhi

(Anil Shukla, IPS)  
Dy. Inspector General (I&O)  
NIA Hqrs, New Delhi.