

Bilkis Rasool case

— CBI CHARGE-SHEET

On February 27, 2002, some *karsevaks* returning from Ayodhya by Sabarmati Express were set ablaze near Godhra Railway Station resulting in (the) loss of many innocent lives. To wreak vengeance and to retaliate against the barbarous and inhuman act of burning to death innocent *karsevaks*, some anti-social elements indulged in large-scale riots on February 28, 2002 in various parts of Gujarat where Muslims were residing. Muslims were identified and attacked, their houses set ablaze and their belongings were looted and destroyed. The Muslims in Singwad, Randhikpur village, Gujarat were also targeted and attacked.

Bilkis is a resident of Singwad, Randhikpur village and after her marriage she was staying with her husband in Devgarh Baria, Dist. Dahod, Gujarat. On February 24, 2002, Bilkis, who was 5 months pregnant, along with her husband and 3½ year old daughter by name of baby Saleha visited her father's house at Singwad, Randhikpur to celebrate Bakr-e-id festival.

On February 28, an unruly mob, which included (1) Jaswant Bhai Chaturbhai Nai, (2) Govind Bhai Nai, (3) Naresh Kumar Ramanlal Mordhiya, (4) Shailesh Chimanlal Bhatt, (5) Radhyeshyam Bhagwan Das Shah @ Lala Vakil, (6) Bipin Chandra Kannayah Lal Joshi @ Lala Doctor, (7) Kesarbhai Khimabhai Vohania, (8) Pradeep Bhai Ramanlal Mordhiya, (9) Bakabhai Khimabhai Vohania, (10) Rajubhai Babulal Soni, (11) Mitesh Chimanlal Bhatt, and (12) Ramesh Chandana (A-1 to A-12) from Singwad, Randhikpur village started setting fire to the houses of Muslims, besides looting and destroying their properties and belongings. Bilkis along with members of her family left her village along with her husband, 3½ year old daughter and brothers to save their lives.

Yakub Rasool, husband of Bilkis and her brother Md. Iqbal, who also left the village with Bilkis, went in a different direction and therefore they were not among the group of sixteen. Bilkis and 15 others reached Chundadi village on February 28 and stayed in the house of Shri Damor, an ex-MLA. On February 29, they left the house of Damor and went to Kuwajar village where her cousin Shamim delivered a female child in the house of Jaitoon Bibi, a midwife by profession. They spent the night in the house of the midwife. They then left for village Khudra and stayed in the house of Nayak, an adivasi, for two days.

To camouflage their identify and to prevent the accused from identifying them as Muslims, Bilkis and others wore the dresses given by the adivasis.

On March 3, Bilkis and 16 others reached Chapparwad village and took shelter near a field which was connected with (a) *kutch*a road going towards Pannivella vil-lage. At about 1100 hrs, 25 to 30 people, which included A-1 to A-12, came by two white jeeps. They were armed with deadly weapons and formed themselves into an unlawful assembly. Even though Bilkis and others were wearing adivasi dresses, A-1 to A-12, who hail from the same village as that of Bilkis and others, identified them as Muslims and started chasing them.

Sailesh Bhatt (A4) snatched baby Saleha, 3½ year old daughter of Bilkis, from her and killed the infant by smashing her on the ground. Thereafter, Jaswant Bhai Chaturbhai Nai (A1), Govind Bhai Nai (A2), and Naresh Kumar Ramanlal Mordhiya (A3) caught hold of Bilkis, forcibly dragged (her) towards a tree near (the) *kutch*a Road leading to Pannivella and stripped her.

When Bilkis was being stripped and dragged, A5 to A-12, who were armed with deadly weapons, attacked and assaulted the other relatives of Bilkis physically and sexually. A5 to A-12 stripped and raped the relatives of Bilkis and attacked them mercilessly with deadly weapons in their possession.

In the meantime, A1, A2 & A3 dragged and stripped Bilkis and she sustained inju-ries on her back and thighs and the details of injuries are as follows:

1. Abrasion over sternum
2. One abrasion over right breast
3. On right thighs (lower part), 3 abrasions
4. On left leg, one abrasion
5. On the back:
 - i. on left scapular region, 2 to 3 abrasions
 - ii. on right scapular region, 2 small abrasions
6. On right glatal region and right lumber region, 2cms X 2cms one bruise, marks of scratches present
7. On right arm, abrasions 3 in number
8. On left arm, lacerated wound in web between thumb and index finger 4 cms x 2cms x 1cm.

The above injuries were caused due to the resistance given by her. She pleaded with them with folded hands to leave her as she was five months pregnant. A1, A2 & A3 turned a deaf ear to her pleadings and overpowered her. Naresh Mordhiya (A3) held her hands on the ground. Govind Bhai (A2) put his leg on her chest and mouth and pressed her neck. Jaswant Bhai (A1) raped her followed by Govind Bhai (A2) and Naresh Mordhiya (A3). Thus, Bilkis was raped each by A1, A2 & A3. Bilkis, who could not withstand the brutal sexual assault of A1, A2 & A3, became unconscious. A1, A2 & A3, who committed gang rape on Bilkis left the place thinking that she was dead.

After about three to four hours, Bilkis regained consciousness and found that she was naked. Her *lehnga* (petticoat) was lying nearby and using the *lehnga* she covered

her body and hid behind a hill. She found her family members dead. As she did not have proper dress she spent the whole night there and the next day, i.e., March 4, she reached the house of an adivasi and requested her to give her some clothes. She was given an old choli and chunni by the adivasi which was used to cover her body.

Bilkis saw a jeep and a person in uniform standing on the *kutch*a road. She narrated the entire incident to him. The home guard in uniform took her to Limkheda PS where Bilkis made a true and full disclosure of the entire incident and the name of the assailants to Soma Bhai @ Som Singh (A-17) who threatened her that she would be given poisonous injection if she spoke about the rape committed on her and name the accused involved in the heinous crime.

Soma Bhai @ Som Singh (A-17) as a responsible police officer, was expected to reduce into writing the entire incident narrated by Bilkis truly and without any bias. Instead, A-17 suppressed the material facts and wrote a distorted and truncated version stating that about 500 unidentified persons came and attacked Bilkis and her relatives and did not mention the names of A1 to A-12 as told by Bilkis, in the First Information Report (FIR). The allegation of rape on Bilkis was also not mentioned in the FIR by A-17.

When Bilkis was making a true and full disclosure of the incident to A-17, witnesses Abdul Sattar Ganchi, Madinaben and Feroz Bhai @ Pinto were sitting nearby and they heard the same. A-17 directed them to go away and sit at a distance. Bilkis is illiterate and does not know how to read and write. Exploiting the illiteracy of Bilkis, A-17 got her thumb impression on the distorted and truncated FIR prepared by him. She affixed her thumb impression on the FIR without knowing the contents.

Thus, Som Singh, A-17 created documents at the earliest point of time showing as if the accused involved in the barbarous and brutal attack on Bilkis and her relatives were unknown with the intention of creating false evidence and causing disappearance of evidence to screen the offenders.

A-17, who registered the case, FIR No. 59/2002 on March 4, has shown the time of registration as 1045 hrs. However, in the General Diary, entry was made to the effect that FIR was registered on March 4 after 2000 hrs. On March 4, Bilkis was not taken to the scene of crime to identify the dead bodies. She was also not sent to the doctor for examination even though she complained that she was gang raped by A1, A2 & A3.

On March 4 itself, A-13 to A-18 (all policemen) were aware that a gruesome and heinous crime had been committed by A1 to A-12 near the border of Pannivella village in which relatives of Bilkis were raped and murdered besides the gang rape committed on Bilkis. A-13 to A-18 as responsible police officers should have immediately preserved the scene of crime and valuable pieces of evidence. They should have taken immediate steps to collect valuable pieces of evidence from the scene of crime and take(n) all possible steps to see that (the) scene of crime was not disturbed. A-13 to A-18 did not even bother to get the scene of crime preserved and get the dead bodies properly identified.

Immediately after registration of the case, inquest was not conducted and the dead bodies were not sent for post-mortem.

On March 4 evening, Bhavin Patel, a private photographer was taken by A-13 & A-14, A-15 & A-16 and other police officers to the scene of crime for taking photographs of the scene of crime and of the dead bodies. Bhavin Patel had taken 10 photographs of five dead bodies which included the dead body of baby Saleha, the 3 ½ year old daughter of Bilkis.

A-13 to A-18 did not take any steps to conduct the inquest and to send the dead bodies for post-mortem on that day. Bilkis was not sent for medical examination and the dead bodies were lying at the scene of crime for the whole day.

On March 5, RK Sony, a professional photographer was taken by A-13 and A-14 to the scene of crime. He had taken the photographs of seven dead bodies. It is significant to note that in the photographs of seven dead bodies taken by Soni on March 5, the dead body of baby Saleha, 3 ½ year old daughter of Bilkis, was not seen. Her dead body was deliberately removed with the intention of causing disappearance of evidence in order to protect the other accused.

Thereafter, inquest was conducted on the dead bodies on March 5 from 1000 hrs to 1200 hrs by A-13 and A-14 in the presence of A-15 & A-16. A-13 & A-14 did not mention the injuries found on the dead bodies in the inquest *panchnama*. Number of dead bodies found at the scene of crime were not correctly mentioned. On March 4 and March 5, Bilkis was available in Limkheda PS. A-13 to A-18 did not take Bilkis to the scene of crime for getting the dead bodies identified. Instead, Abdul Sattar Ganchi was taken to the scene of crime on March 5 and he identified all the dead bodies as they were his relatives and hailed from his own village.

Suppressing the identification of the dead bodies by Shri Abdul Sattar Ganchi, A-13 & A-14 who prepared the inquest report on March 5 in the presence of A-15 & A-16 had mentioned in the inquest *panchnama* that Abdul Sattar Ganchi identified only Haleema, mother of Bilkis out of the seven dead bodies lying at the scene of crime. A-13 & A-14 mentioned in the inquest report that the remaining six dead bodies were unidentified. In the inquest *panchnama*, dated March 5 prepared by A-13 & A-14 in the presence of A-15 & A-16, Somabhai Nanabhai Chauhan (LW-11) Ram Singh Bhai Baria (LW – 12) and Smt. Ramtik Ben were shown as *panch* witnesses. The thumb impression of Ramtik Ben is found on the inquest *panchnama*.

Ramtik Ben is a fictitious person and it is also shown that Abdul Sattar Ganchi was present on March 5 whereas he had been taken on March 4 to the scene of crime. Therefore, the inquest *panchnama* could not have been prepared on March 5 in the manner and at the place mentioned therein.

The dead body of baby Saleha, which was photographed by Bhavin Patel on March 4, was not found at the scene of crime on March 5. The team of doctors from AIIMS

A-13 to A-18 (all policemen) started fabricating false evidence and causing disappearance of evidence immediately after Bilkis lodged an oral complaint giving the names of the assailants and the details of the incident, with the intention of causing disappearance of evidence to screen the offenders.

and experts from CFSL, New Delhi, who inspected the scene of crime in person and reconstructed the scene of crime have opined on the basis of the photographs taken by Bhavin Patel and Sony that the place where the dead bodies were found in the photographs could not be the place of occurrence as no symptom or reminiscence of the occurrence could be seen in the photographs. Report of the AIIMS and CFSL received in this case is placed in the set of documents.

Thus A-13 to A-18 started fabricating false evidence and causing disappearance of evidence immediately after Bilkis lodged an oral complaint giving the names of the assailants and the details of the incident, with the intention of causing disappearance of evidence to screen the offenders.

Randhikpur village comes under the jurisdiction of Limkheda PS, which has four outpost police stations. BR Patel (A-15) was the SHO of Limkheda PS. RM Bhabhor (A-16) was the Police Circle Inspector (CPI) and RS Bhagora (A-18) was the DySP working as SDPO of Limkheda PS. Narpat Singh (A-13) was in-charge of outpost of police station, Randhikpur. IA Saiyad (A-14), PSI Fathehpur was working in Randhikpur PS on attachment basis.

Registration of FIR 59/2002 by A-17 was intimated to A-13 and A-14. A-15, A-16 and A-18 were aware that grave offences like rioting, multiple murders and gang rape of women had taken place. A-16, who was the CPI, Limkheda, instead of taking over the case for investigation allowed A-13, who was only a head constable, to conduct investigation of Crime No. 59/2002.

At Limkheda, there is a hospital (Community Health Centre) adjacent to the police station. This hospital has facility for conducting post-mortem. On March 4 & 5, sufficient staff was available in the hospital but A-13 to A-18 did not take any initiative to make arrangements for conducting post-mortem at the aforesaid hospital. A-13 to A-18, who did not preserve the scene of crime and conduct inquest and make arrangements for conducting post-mortem on the dead bodies immediately after registration of the case, requested A-19 and A-20 to conduct post-mortem at the scene of crime on March 5.

On March 4, eight dead bodies including the dead body of baby Saleha, 3½ year old child of Bilkis was lying at the scene of crime. On March 5, the dead body of baby Saleha was missing and only the following seven dead bodies were found at the scene of crime which were photographed by Sony.

1.	Smt. Halima w/o. Abdul Issa Ganchi	22 (F)
2.	Master Irfan, s/o. Abdul Issa Ganchi	11 (M)
3.	Master Aslam, s/o. Abdul Issa Ganchi	13 (M)
4.	Baby Munni d/o. Abdul Issa Ganchi	13 (F)
5.	Smt. Ameena Jamal Patel d/o. Jamal Patel	35 (F)
6.	Smt. Sugra @ Akil w/o. Yusuf Musa Patel	40 (F)
7.	Smt. Shamim d/o. Musa Patel	20 (F)

Out of the 17-member group of Muslims of Randhikpur village, 8 persons were found dead, six persons mentioned below are missing and three, viz., Bilkis, Master Hussain and Saddam survived the murderous attack.

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| 1. | Mr. Yousuf Musa Patel | 50 (M) |
| 2. | Ms. Mumtaz d/o. Musa Patel | 20 (F) |
| 3. | Ms. Madina Yousuf d/o. Abdul Issa Ganchi,
w/o. Haroon | 18 (F) |
| 4. | Mr. Majeed Patel uncle of Abdul
Issa Ganchi | 55(M) |
| 5. | Saleha d/o. Bilkis and Yakub Rasul
(photograph found in which she appears
to be dead but body was caused to disappear) | 3 ½ (F)
yrs |
| 6. | Two day old child of Ms. Shamim | (F) |

On March 5, A-19 and A-20 conducted post-mortem on the seven dead bodies produced by A-13 and A-14 at the scene of crime. Post-mortem was not conducted in accordance with rules and procedure. Injuries found on the dead bodies were not properly mentioned in the post-mortem reports. In the requisition letter given to A-19 and A-20, it was specifically mentioned that this is a case of rape and murder.

Therefore, A-19 and A-20 should have collected vaginal swabs, saliva, blood samples and clothes worn by the deceased. This is required to facilitate proper investigation and for finding out the actual cause of death. Had A-19 and A-20 collected vaginal swabs from the female dead bodies, presence of spermatozoa could have been detected and the accused who committed rape on them could have been correctly fixed.

The two doctors conducting post-mortem did not discharge their duties truthfully, sincerely and strictly in accordance with rules and procedure. By not collecting valuable pieces of evidence such as vaginal swabs, saliva, nail clippings and clothes of the deceased, A-19 and A-20 caused disappearance of evidence with the intention to screen the offenders. A-19 and A-20 have mentioned in the post-mortem reports that the dead bodies were decomposed. But a perusal of the photographs taken by Sony show that the bodies were not decomposed and were in an identifiable condition. A-19 and A-20 did not mention anything about the rape committed on the females in the post-mortem reports.

After the so-called post-mortem was conducted by A-19 and A-20, the seven dead bodies were buried in a nearby pit. After CBI took over investigation on the direction of Hon'ble Supreme Court of India, the place where the seven dead bodies were buried was dug to exhume the dead bodies. In none of the seven bodies the skull was present. After the post-mortem, heads of the dead bodies might have been severed so that the dead bodies could not be identified. Thus, A-13 to A-18 who started fabricating documents and causing disappearance of evidence immediately after the registration of the case on March 4, continued the illegal act of causing disappearance of evidence till the dead bodies were buried.

Bilkis was in the police station till March 5 and thereafter she was shifted to Iqbal Relief camp at Godhra. In the refugee camp she narrated the entire horrifying incident to Sugra Ben and Latifa Ben. On March 6, Jayanthi Ravi, collector of Godhra, visited the relief camp. She was informed by two organisers of the camp, Latifa Ben and Sherifa Ben, about the rape committed on Bilkis and murder of her 3 ½ year old daughter and other relatives at Randhikpur.

The collector therefore directed Mahender Lalji Bhai Nalwaya, executive magistrate /Dy. mamalatdar to record the statement of Bilkis.

In the statement to the executive magistrate, Bilkis identified A1 to A8 and A-10 to A-12 as the persons who committed rape on her and her relatives and murdered her 3 ½ year old daughter and others. She also complained that she was gang raped so she was sent to Civil Hospital, Godhra on March 7 for medical examination. She told the doctor, Dr Rohini Kutty the entire facts relating to the incident and the names of the accused who committed the heinous crime. The doctor collected vaginal swabs, saliva, blood, nails, pubic hair and hair from other parts of the body.

The scientific examination at (the) state Forensic Science Laboratory, Baroda revealed

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presence of human semen in the vaginal swab collected from Bilkis. This coupled with the injuries sustained by Bilkis establish that she was physically and sexually assaulted by A1, A2 & A3. Since the vaginal swab of Bilkis was not preserved, it could not be compared with the specimen semen of A1, A2 & A3.

Bilkis was shifted to the Iqbal Relief Camp, Godhra on March 6 and on March 7 she was sent for medical

examination. Bilkis who was gang raped on March 3 by A1 to A3 was sent for medical examination on March 7 after she was admitted in the relief camp. The doctor who examined Bilkis noticed injuries on the back and thighs of Bilkis which indicated that she was subjected to forcible and violent intercourse.

A request was made before the CJM (Rural), Ahmedabad for directing the accused A-1 to A-12 to undergo TI parade as per law in order to ensure the identification of the accused persons involved in the rape and murders but the TI parade could not be done since A-1 to A-12 refused to offer themselves for the same.

The statement of(a) total (of) 14 witnesses were recorded u/s 164 Cr. PC by hon'ble addl. metropolitan magistrate, 16th court, Ballard Pier, Mumbai on February 20 and 21, 2004 which includes Salin Abdul Sattar, Sattar Majeed Ganchi, Siraj Adam Abdul Ganchi, Imtiaz Yusuf Ganchi, Sayed Abdul Salam Abdul, Abdul Sattar Kalu, Fakit Mohd. Nana Patel, Adam Ismail Ganchi, Rasul Aziz Umer, Salim Adma Ismail, Abdul Razzak Abdul Majeed, Yakub Ibrahim Shaik, Firoz @ Pinto Abdul Sattar Ganchi, Smt. Madinaben Sirajbhai Patel, which have been

forwarded to the court of CJM (Rural) Ahmedabad by the Ld. CMM court, Mumbai.

Thus, the aforesaid acts committed by A-1 to A-18 revealed that A1 to A-18 entered into a criminal conspiracy to form themselves into an unlawful assembly, carry deadly weapons, commit riots, set fire to the houses of Muslims, loot their properties and belongings, rape the Muslim women and kill them and thereafter cause disappearance of the evidence to screen the offenders. The acts committed by A1 to A-18 disclose offences punishable u/s 120-B r/w 143, 147, 148, 149, 302, 376 (2) (e) and (g), 201, 217 and 218 IPC and substantive offences u/s 143, 147, 148, 149, 302, 376 (2) (e) and (g) and 201, 217, 218 IPC and the acts committed by A-19 and A-20 discloses offences punishable u/s 120-B r/w 302 and 376 IPC.

Accused A-1 to A-14 are presently in judicial custody in this case and are presently lodged in Sabarmati Jail, Ahmedabad as per the orders of CJM (Rural) Ahmedabad.

Calendar of evidence oral and documentary, list of witnesses and document and details of articles are enclosed with the charge sheet.

Sanction for prosecution of A-13, A-14, A-15, A-16, A-17, A-18, A-19, A-20, is being obtained from the competent authority.

On receipt of sanction from the Govt. of Gujarat, the name of the sanctioning authority and sanction order will be appended in the list of witness and documents respectively.

Further investigation in the case is continued u/s 173 (8) Cr. PC and supplementary charge sheet will be filed in the due course of time if necessary.

It is therefore, humbly prayed that this Hon'ble Court may be pleased to take cognisance of the offences, issue process to the accused and dispose of the case in accordance with law.

Date: 19/4/2004

Place: Ahmedabad

(KN SINHA)

Investigation Officer

DySP, CBI, SCB, Mumbai

**Forwarded by
SP,CBI, SCB, Mumbai.**

A-1 to A-12, (1) Jaswant Bhai Chaturbhai Nai, (2) Govind Bhai Nai, (3) Naresh Kumar Ramanlal Mordhiya, (4) Shailesh Chimanlal Bhatt, (5) Radhyeshyam Bhagwan Das Shah @ Lala Vakil, (6) Bipin Chandra Kannayah Lal Joshi @ Lala Doctor, (7) Kesarbhai Khimabhai Vohania, (8) Pradeep Bhai Ramanlal Mordhiya, (9) Bakabhai Khimabhai Vohania, (10) Rajubhai Babulal Soni, (11) Mitesh Chimanlal Bhatt, and (12) Ramesh Chandana, belong to Singhwad, Limkheda, Randhikpur. They are closely known to the victims in this case. A-13 and A-18 are police officials attached to PS Limkheda. A-19 and A-20 are government doctors on *ad hoc* basis working in Primary Health Centres.