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'IT WAS A FAKE ENCOUNTER'

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THE GUJARAT government has acknowledged that a joint team of the Gujarat and Rajasthan police killed Sohrabuddin Sheikh, who it accused of being a LeT operative, in a fake encounter in November 2005. "In my experience perhaps the state government has never acknowledged involvement of its own police officer in a fake encounter. Normally such facts have only been discovered when the investigation of the case is transferred to an outside agency," KTS Tulsi, senior advocate appearing for the Gujarat government told TEHELKA.

In a petition to the Supreme Court (SC), Sheikh's brother Rubabuddin, said that his brother and sister-in-law, Kausar Bi, were picked up by the Gujarat Anti-Terrorism Squad (ATS) and the Rajasthan Special Task Force (STF), while travelling from Hyderabad to Sangli in Maharashtra. He claimed that Sheikh was then killed in a fake encounter and Kausar Bi has been missing since then. He fears that she was killed as well.

Responding to his petition, the sc directed the Centre and the Gujarat government to submit a report on the incident. The Gujarat government constituted a CID team under IGP Geetha Johri to investigate the case. The team's report seems to bear Rubabuddin's version of the events. Without explicitly saying so, the report indicates that the whole operation was staged and the police's account of the encounter is fabricated.

Sometime after midnight on November 22, 2005, Sheikh, Kausar Bi and a third unidentified man were picked up from an inter-state bus in which they were headed to Maharashtra from Andhra Pradesh via Rajasthan. As part of its investigation the CID team spoke to the driver of the bus and the co-passengers.

The report states that, "Around 1:30 at

night, 2 kilometre ahead of Tandola village, a Qualis overtook the bus and parked itself in the front of the bus. Two persons got out of the car... soon a Tata Sumo also reached, with three men in plainclothes. One of them had a revolver." The men forced the three occupants out of the bus. Sheikh, Kausar Bi and the unidentified person occupied seat numbers 29, 30 and 31 respectively. The bus was then allowed to proceed. The report confirms that the two were not seen or heard of after the incident by anyone.

But the police have a different version of what transpired. According to the report they claim that Sheikh was a LeT operative



THE GUJARAT GOVERNMENT HAS ACCEPTED THE CID'S FINDINGS THAT THE POLICE KILLED SOHRABUDDIN SHEIKH IN COLD BLOOD

and he was killed in an encounter while trying to flee on a motorcycle near the Vishala crossing in Ahmedabad. The police rushed an injured Sheikh to the local civil hospital where he was declared dead on arrival. For some reason, the police then registered a case at the Pratap Nagar Police station in faraway Udaipur in Rajasthan.

The enquiry report doesn't mince any words. "It is to be noted here that [the Pratap Nagar Police station] is not a regular police station... The offence should have been registered at the concerned local police station." A senior police officer

Without explicitly saying so, the CID report shows that the whole operation was staged and the police's account of the encounter fabricated

posted in Ahmedabad says that this simple lapse shows how the case was handled. "Any police officer will tell you such action indicates foul play," he says.

According to the report, the police say they have no knowledge of Kauser Bis whereabouts or that of the third mans. "DIG operations states that Sohrabuddin's wife Kauser Bi was not present...[at the site of the encounter and] ...the allegation [that she was there] is baseless and concocted," it says. The report says that the discrepancies in the polices version of the events warrant further investigation.

"Who were the persons who claimed to be police and picked three passengers... What happened to Kauser Bi after November 22, 2005?"

'People are constantly shot in Gujarat in fake encounters. And without fail they are all Muslims; says Harsh Mander

"The preliminary inquiry has found that it was a fake encounter. We are taking immediate action," KTS Tulsi told the sc bench headed by Chief Justice KG Balakrishnan. A Gujarat police team, headed by DIG Rajneesh Rai is investigating the fake encounter and the subsequent cover-up.

Noted human rights activist Harsh Mander says that the CID report only confirms widespread misgivings about encounter killings. "Many such cases are in the court. People are constantly being shot in Gujarat in fake encounters. And all of them without fail are Muslims. There is always a conspiracy of silence by the government but sometimes the evidence is so glaring that it cannot be denied," he says. "Justice will only be done if the police officers responsible are tried for murder." A

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