

BEFORE THE HON'BLE SESSIONS COURT AT  
AHMEDABAD

MISC.APPLICATION NO.761 OF 2014

Teesta Setalvad & Javed Anand .. Applicants

Versus

State of Gujarat .. Respondent

AFFIDAVIT IN REPLY TO  
THE SUR-REJOINDER OF THE RESPONDENTS  
FILED ON 18.03.2014

I, Teesta Setalvad, aged about 52 years, residing at Nirant, Juhu Tara Road, Mumbai 400 049, do hereby state on solemn affirmation as under:

1. I say that I have read a copy of the Affidavit in Sur-Rejoinder on behalf of the State of Gujarat filed in a questionable fashion after arguments were concluded on 18.03.2014. I have discussed the contents of the present affidavit in rejoinder with my co-applicant, Javed Anand who has approved this Affidavit and the present affidavit ought to be treated as a joint affidavit by both of us.

2. At the outset, I submit that the Respondent has exposed its further, vicious malafides by going into issues which are much beyond the

scope of an anticipatory bail application, apart from being much beyond the scope of permissible investigation as per the accusations made in the FIR. In fact it is clear from the affidavit itself that the Respondent is leaving no stone unturned to implicate us in a false case. I say and submit that this is not the first time that the Respondent is trying these brazen intimidatory tactics and the reasons and motives for this, as explained below, are extremely clear. I further say and submit that the vile extent that the Respondents have gone is to delve into personal accounts and life styles of the Applicants, which should be of no concern to the Respondents. These vile tactics are meant just to colour the public discourse and prejudice the public mind. I say and submit that the IO of the Crime Branch has filed this Sur-rejoinder after conclusion of arguments of the Respondents, again a questionable practice.

3. I say and submit that I am not dealing with each and every allegation contained in the affidavit in sur-rejoinder. However, nothing contained therein should be treated as admitted by me merely because of absence of specific denial and all that is contained therein which is contrary to or inconsistent with what is stated in the bail application and what is stated hereinafter should be treated as denied. I further submit that it is not clear as to how and on what authority of law the respondent has managed to obtain the details of our accounts and that itself should be the subject of independent scrutiny. I say and submit that this itself exposes not just the motives of the Respondents, who have misused the entire state machinery to victimise the Applicants, and those persons that they are brazenly using in this proxy battle but ought and deserves separate and special investigation and punitive action, especially of the IO and his superiors in the Crime Branch Ahmedabad who are functioning as the private functionaries of their political bosses.

4. I further submit that the interpretation given to the accounts by the Respondent is, once again, completely false and bogus and I shall deal with the same hereinafter. However, even assuming without admitting that all that is said by the respondent in his reply is correct, even then no offence is made out against any of us. In any event from the affidavit in reply it is clear that the investigating agency already has full and complete details of each account and therefore custodial interrogation of any kind is not going to throw any further light on the same and in view of the same the anticipatory bail ought to be granted. The agency has already given a foul twist to the interpretation of the accounts betraying a pre-set, prejudiced mind that therefore requires only judicial scrutiny. The vendetta of the State of Gujarat and its top functionaries if on account of the persistent and principled struggle for justice being fought by us, the Applicants and the Organisations that we represent that have to date ensured 117 life imprisonments to powerful perpetrators of the 2002 violence and seek further in their assistance to Survivor Zakia Jafri also ensure that the criminal masterminds are brought to book.

5. I further say and submit that the obvious and vindictive case of overreach and intimidation, the Respondents are opposing the protection sought in terms of Anticipatory Bail in an illegal and malafide manner grossly misconstruing the facts. I say and submit that all details regarding the proposal for the Museum, its suspension have been made out in detail in the Application for Anticipatory Bail and subsequently in the detailed 41 page affidavit by me filed on 11.03.2014 dated 10.03.2013. They should be treated as part of this final reply also where the Respondents have *ad noseum* repeated themselves. I reiterate that not even a whiff of an offence is made out in the malafide FIR by the Respondents and the fact that despite this the Respondents are leaving no stone unturned to oppose the protection of Anticipatory Bail exposes their brazenly coercive intent.

6. I shall now deal with the analysis of accounts fallaciously as provided in the affidavit in Sur-rejoinder. (Para 5) I say and submit that is vindictively alleged that, "Having received huge funds by way of donations ('running into crores from prestigious institutions and bodies all over the world') for the upliftment of the riot victims, their rehabilitation, putting up the 'Museum of Resistance' as promised to the complainants and other victims, the accused have committed the offences referred to in the F.I.R. and have siphoned off the amounts for their personal use. The accused cannot dismiss the disbursement of such large amounts running into lakhs of rupees in terms of cash withdrawal transferred to their personal accounts, credit card payments etc., as being ancillary expenses "strictly in accordance with the budget lines approved and authorized by Board of Trustees".

7. I once again, emphatically deny these allegations as totally baseless and levelled against us with malicious intent. Each one of these allegations is dealt with by me, Applicant herein, point by point as they appear in subsequent paras of the Sur-rejoinder of the Respondents (IO, Crime branch, Ahmedabad). I say and submit that the Respondents are either very poorly informed or are deliberately concealing what the Respondents already must know. Contrary to the misleading contention of the Respondents, people heading "prestigious international institutions" are not naïve fools waiting to dole out donations to any one and every one. Such institutions do not make donations but sanction grants after a rigorous appraisal of a proposed project. The project proposal must spell out in elaborate detail, specific activities proposed to be undertaken, goals sought to be achieved, target beneficiaries (including nature of benefits), time scale, requirements of staff, office space and equipment etc. The project proposal has to be accompanied by a detailed budget, with clearly demarcated budget-lines (specific items of expenditure). It is only after a rigorous assessment of all this factors as also the expertise and capacity

of the applicant organization that a grant is finally sanctioned. The grant letter clearly spells out terms and conditions and the recipient organization is morally and legally obliged to adhere to those terms and conditions both in terms of the activities undertaken and in terms of expenses being in keeping with the sanctioned budget-lines (not just the total budget).

In addition to the stringent criteria adopted by funding agencies before sanctioning a grant, at the end of each financial or project year, a detailed activities report along with a financial report or an "utilization certificate" from the auditor. Activity by activity and budget-line by budget line, the reporting organization (Sabrang Trust and CJP in our case) has to clearly establish that both activities and expenses are in consonance with the project proposed and the budget approved by the funding agency.

8. I say and submit that, contrary to the motivated imputations of the Respondents, organizations such as Sabrang Trust and CJP who receive grants are not at liberty to do what they please with the funds received. Both Sabrang Trust and CJP, with eminent Boards of trustees, can produce grant sanction letters as and when required to prove that their activities and expenses have been in accordance with the terms and conditions set by the funding agencies.

9. I say and submit that it is also alleged, with malafide intent, that credit card details accessed by the Respondents, in a malafide manner, from the Citybank would "shock the conscience of this Honorable Court". I say and submit that what should shock the conscience of this Hon'ble Court is the malafide manner in which these accounts have been obtained, coercively and illegally, and are being displayed in the public domain, the nexus that these proceedings brazenly reveal and the underlying unlawful conduct of the Respondents. It is further wrongfully asserted that "donations received for public purpose cannot be permitted to be fritted

away towards shopping entertainment and such other expenses of a purely personal nature". I submit that these allegations are utterly baseless and have been manipulated by the Respondents. The fact, is that the allegations are entirely baseless. The facts of the case are as follows:

(i) I, Teesta Setalvad, Applicant herein, procured a credit card from the City Bank in her personal name;

(ii) As is the normal practice she was also offered a "spouse card" in the name of her husband and co-applicant, Javed Anand;

(iii) The allegation that she kept "closing" her existing credit card with the City Bank and this "was intentional so as to avoid scrutiny by the Income Tax authorities" is ridiculous. Firstly, as anyone who knows anything about credit cards is aware, the credit cards come with an expiry date. Upon expiry, the credit card agency issues a fresh credit for a further period. Secondly, during the relevant period, having misplaced her credit card, as a matter of abundant caution immediately informed City Bank upon which her existing card was blocked and a fresh card with a new number was issued. Thirdly, the latter charge of "closing" the existing card to avoid income tax scrutiny is ridiculous and deserves no comment. It is also malafide and defamatory as we are honest taxpayers and do not misuse honest taxpayers money as is the want of many of those in political power. I say and submit that this, as other allegations, has been made loosely and with malafide intent to prejudice our case.

(iv) The Respondents (IO, Crime branch) claims that, "City Bank details recently portray a shocking picture of how expenses of absolutely personal nature have been undertaken and sought to be explained away as miscellaneous". To substantiate its claim, the crime branch details a long list of goods and services purchased

through my City Bank credit card. I submit that these expenses were incurred by me, Teesta Setalvad and indeed are of a personal nature and should have in no circumstances been disclosed by anyone as they have no bearing on the FIR CR I/2014. I say and submit that it is a case of vindictive overreach that personal accounts are being thus paraded in the public domain with no connection to this case at all. I submit that also included the “hundreds of US dollars/Pounds/Canadian dollars towards her son’s application fees to foreign universities.” However, I, vehemently and categorically deny that any of these expenses were paid for out of the funds either of Citizens for Justice and Peace or Sabrang Trust. These were indeed personal expenses charged to the credit card in my personal name and they were paid for out of her personal income. What a citizen of India, as yet a free country does with her/his income cannot be thus scrutinised in a such a case that has no bearing on the matter at hand. I say and submit that the pathetic motives of the Respondents in manipulating personal information illegally obtained herein speaks for itself.

(v) I say and submit that the Respondents allege, without any basis whatsoever, that the entire monthly credit card bills of City Bank were paid for by the trusts. I firmly and completely deny this. There is not an iota of truth in the same. The real fact is that for reasons of convenience and with the full knowledge and consent of the trustees of the trusts, only expenses directly pertaining to the activities of the trusts were also incurred through the personal credit card of me, Teesta Setalvad. Most of these expenses pertain to online booking of airline and train journey tickets, where the travel was directly related to the activities of the two trusts. On a month-to-month basis, only such expenses were to be reimbursed to me,

Teesta Setalvad, by either of the trusts which were supported by the travel bills. I submit that what is stated by me here can easily be crosschecked with the actual credit card bills and the amounts reimbursed by the two trusts if and when there is a legitimate inquiry. I say and submit that there can be no greater evidence than this that this is in no way a legitimate investigation by any means but a malafide way to intimidate us and cripple our movement and legitimate activities. I further submit that neither of the trusts has ever sought to procure a debit or credit card in the trusts name. This is because all accounts, vouchers etc. of both the trusts require the signature of TWO of the authorized trustees.

(vi) Since we live in the state of Maharashtra, and not Gujarat, there is nothing shocking about expenses on wine purchases, grocery etc. since they have been paid for by the co-applicant and not by the trusts.

(vii) "Whether the Board of Trustees of Sabrang Trust and CJP have ever authorized the accused no 1 and 2 (I, Teesta Setalvad and co-applicant, Javed Anand) as repeatedly claimed by them to meet such purely personal expenditure is a subject matter of investigation". I say and submit is how, in a so-called FIR where offences of cheating and breach of trust are not even made out, can the Respondents take upon themselves the task of examining the detailed functioning of the trusts, when authorities like the Charity Commissioner are assigned for just this purpose? Besides, I say and submit that this is a deliberate twisting of what has been stated by me, Teesta Setalvad, in my affidavit. I say and submit that I had never said that my personal expenses were paid out of the funds of the trusts and this is a brazen lie; so the question of their being authorized by the trustees simply does not arise. I say and



submit that it is clear that this “fishing inquiry” is being used simply to intimidate us, the applicants.

10. I say and submit that it is maliciously alleged that that the following amounts, totaling around Rs. 2,67 crore from the funds of CJP and Sabrang Trust were “transferred” to personal accounts:

1. Teesta Setalvad:	Rs.32,09,524
2. Javed Anand:	Rs. 20,62,675
3. Sabrang Communications:	Rs.1,20,14,356
4. Tamara Setalvad:	Rs. 1,38,270
5. Cash withdrawal:	Rs. 75,28,000
6. Credit card payment to Teesta Setalvad	Rs. 14,20,000
Setalvad from SB and FCRA accounts of CJP	
7. Credit card payment of Javed Anand from Sabrang Trust	Rs. 2,97,400

I, submit as follows:

**I. Payments received by me, Teesta Setalvad:** The different amounts received by me from CJP and Sabrang Trust appearing in the first affidavit of the Respondents have been clubbed in the Sur-Rejoinder filed on 18.03.2014. In the rejoinder affidavit filed by me, Teesta Setalvad, I have provided adequate explanations for the separate amounts (clubbed in the sur-rejoinder) under Page 16 (Allegation 2), Page 22 (para 2) and Page 26 (Allegation 3d). I, submit once again, that none of this amount was paid or received by me (as stated before) as trustee of Sabrang Trust or CJP. I further submit that as stated in my affidavit in rejoinder, dated 10.03.2014, these payments to me were on account of specific tasks, duties and responsibilities assigned to me as Project Director of various projects as can be easily

established through resolutions of the Board of Trustees of Sabrang Trust and CJP, as recorded in the Minutes books of the two trusts.

**Payments received by co-applicant, Javed Anand:** I say and submit that co-applicant, Javed Anand, co-applicant herein has never received any remuneration from CJP since its inception in 2002. The amounts received by him from Sabrang Trust (the amount mentioned in the initial affidavit of the Respondents was Rs. 20,131,75 has mysteriously now changed to Rs. 20,62,675 in the sur-rejoinder submitted on 18.03.2014) was adequately explained by me, applicant, Teesta Setalvad in my rejoinder affidavit dated 10.03.2014 on Page 17). I submit once again, that none of this amount was paid or received by co-applicant, Javed Anand as trustee of Sabrang Trust or CJP. I further submit that as stated in the earlier affidavit, these payments to me were on account of specific tasks, duties and responsibilities assigned to him as Project Director/Project Administrator of Sabrang Trust as can be easily established through resolutions of the Board of Trustees of Sabrang Trust as recorded in the Minutes books of the trust.

**II. Payments to Sabrang Communications and Publishing Pvt. Ltd:** I say and submit that, as can be easily established through regular reports of activities of both Sabrang Trust and CJP, the two trusts have been engaged in activities and achieved results, which are nationally and internationally recognized. I submit that it can be no one's case that either of the trusts could conceivably have carried out any of these activities without office space, office equipments and adequate staff. Both Sabrang Trust and CJP had the option

of expending from its own funds to rent office space, office equipment and adequate staff. However, the trustees of the two trusts opted for a far more cost-saving, economical proposition of sharing infrastructure and staff costs on a mutually agreed basis. I submit that as detailed in my rejoinder affidavit dated 10.03.2014, at Page 17 (Allegation 4), Page 22 (para 3), Page 25 (Allegation 3b), such cost-sharing was reviewed from time to time by the trustees of Sabrang Trust and CJP and payments made to Sabrang Communications towards cost-sharing were strictly in accordance with the resolutions of Sabrang Trust and CJP as may be easily ascertained through a perusal of their respective Minutes of meetings. I further submit that it can also be easily established that the monthly expenses reimbursed by Sabrang Trust and CJP towards such cost sharing worked to the great advantage of the two trusts.

**III. Payments to Tamara Setalvad:** As adequately explained on Page 18 (Allegation 5) of the earlier affidavit in rejoinder filed by me, Teesta Setalvad, Tamara Setalvad was employed by Sabrang Trust for a period at Rs 7,500 p.m., among the lowest paid employees of the trust) for handling the responsibilities of documentation and dissemination work of Sabrang Trust. As can easily be established through the Minutes Book, in view of Teesta Setalvad, and Javed Anand being her parents, we refrained from participating in the discussion and resolution of the Board of Trustees which authorized her appointment. I, Teesta Setalvad, submit once again that Tamara Setalvad received a total of Rs. 1,38,270 during her period of employment in lieu of the duties

performed by her and not by virtue of her being the daughter of me, Teesta Setalvad and Javed Anand.

**IV. Cash withdrawal of amount totaling Rs. 75,28,000: I**

submit and repeat that this allegation too is entirely baseless and made with malicious intent. The Respondents have simply assumed, without any basis whatsoever, that cash amounts were withdrawn from the accounts of Sabrang Trust and CJP simply to be pocketed by me, Teesta Setalvad and/or co-applicant, Javed Anand. I say and submit that this assumption is vile and malafide. I say and submit that, as affirmed in the affidavit in rejoinder filed by me, dated 10.03.2014, I once again affirm that cash was withdrawn from the accounts of Sabrang Trust and CJP from month to month for incurring expenses on activities of the trusts. This can easily be established through account books and cash vouchers preserved by both trusts. The allegation that these amounts were pocketed by us or transferred to our accounts is therefore totally baseless and made with vicious intent.

**V. Credit card payment to me, Teesta Setalvad from SB and FCRA accounts of CJP: I say and submit that the**

allegations made in the Sur-rejoinder about total payments are mischievously misconstrued. I further say and submit as in Para 5 above, I reiterate that all payments made towards credit card bills were only on the expenses incurred on activities of the trust. All personal expenses incurred by me, Teesta Setalvad were paid out of my personal accounts. This can easily be verified by cross-checking the accounts book of the trust and my personal accounts and vouchers maintained by us/me. I say and submit that in any case, this

should have no bearing here and is being raked up with prejudicial intent.

**VI. Credit card payment to co-applicant, Javed Anand from Sabrang Trust:** I submit that all allegations made in respect of this are malafide and mischievous, I further say that as submitted in para 5 above, I reiterate that all payments made towards credit card bills were only on the expenses incurred on activities of the trust. All personal expenses incurred by co-applicant, Javed Anand were paid out of his or my personal accounts. This can easily be verified by cross-checking the accounts book of the trust and my personal accounts and vouchers maintained by us/me. I say and submit that in case this should have no bearing here and is being raked up with prejudicial intent.

11. I say and submit that it is wrongly alleged that “the accused have never remained present before any investigative machinery and have employed various means to avoid the due process of law”. I submit that this again is an entirely baseless charge since there never so far has arisen the question of me or my co-applicant’s having been required to be present before any investigative machinery. I say and submit that each time legitimate queries have been made we have answered to the best of our ability but the moment we felt these transgressed the law and were made with malafide intent we have sought legitimate protection of the Courts. I say and submit that the allegation about having to explain “huge withdrawal of more than Rs. 2.67 crore” is based on highly questionable and entirely baseless assumptions. I say and submit the authorities to ensure fair and lawful functioning of trusts, donations and income and expenditure exist and the Respondents

in their overzealous desire to overtake these responsibilities expose their malafides.

12. I say and submit that this brazen attempt at malicious overreach against us, has come at the behest of political bosses in the state, and since India is a democratic country, and since we are engaged in supporting a legal battle of epic proportions, Smt Zakia Jafri versus Narendra Modi and 59 Others, there is nothing to stop us from alleging that this lies at the root of sections of the top police machinery being used to intimidate us and even illegally obtain bank account details. I say and submit that senior policemen serving at the behest of the political bosses are also co-accused in this case.

13. It is alleged that the accused no 1 and 2, in their joint reply, have offered no explanations to the facts stated thereunder, thus affirming the concealment of the material facts from the Hon'ble Court. I say and submit that both me and my co-applicant, Javed Anand submit that I am fully aware of the legal implications of concealing facts in an affidavit filed before courts of law. I submit that not only have I rebutted the baseless and motivated allegations of the Respondents in minute detail, but also that all that I have stated in my affidavit can be established with records and documents, books of accounts, bank statements, annual audit reports etc. I further say and submit that making this false vile and baseless allegation is itself committing an offence on oath.

14. I say and submit that the references made by to similar tactics of the Respondent state of Gujarat since 2002 in my affidavit in rejoinder dated 10.03.2014 refers to developments and false

allegations in the Best Bakery case, the Naroda Gaam Case, the Pandharwada case (wherein the Hon'ble Supreme Court has, to date stayed the malafide proceedings) are factual and in fact speak of a dozen year old, active enmity of top political echelons to the consistent and principled activities of providing legitimate legal aid to the Victim Survivors of 2002. Now, in addition, the Smt Zakia Jafri v/s Narendra Modi and 59 Others (including powerful serving policemen) has taken this animus to epic proportions and is at the core of motive behind the vendetta against us, the Applicants.

I say and submit that it is wrongfully alleged that "amounts received in these (FCRA) accounts cannot be transferred to personal accounts or fixed deposits in the name of the family members". I submit that not only FCRA accounts, donations and grants received even in non-FCRA accounts of trusts cannot be transferred to personal accounts or fixed deposits in the name of family members. I further submit that the Respondents are either completely ignorant of facts or are guilty of lying on affidavit by accusing us of transferring amounts into fixed deposits in the name of family members. I say and submit that these allegations are false and motivated and neither of the vicious affidavits have pointed to even one such example. As for "transferring funds to personal accounts", I once again categorically deny the baseless allegation. I say and submit, and repeat, that only emoluments as sanctioned by the trustees of Sabrang Trust and CJP from time to time as remuneration for specific executive duties performed by my co-applicant or me were paid to/received in our personal accounts as detailed above.

15. I submit once again that the total amount received in the FCRA account of Sabrang Trust was Rs.1,33,44,248 as detailed on

pages 11 and 12 (Para 11) of the earlier affidavit in rejoinder dated 10.03.2014 filed by me, Teesta Setalvad. I say and submit that as stated therein, the claim of Rs. 2.62 crore by the Respondents can only be the result of a deliberate and malicious accounting jugglery.

16. I say and submit, and repeat that again, it is viciously and wrongfully alleged that “accused no 1 and 2 have admitted that they have transferred Rs. 97,96,511/- from this account to their own family personal account”. I submit that this is a willful distortion of the contents of my earlier affidavit dated 10.03.2014, and we have not made any such admission as claimed. It is further alleged in the sur-rejoinder by respondents: “No explanation is offered on the huge cash withdrawals of Rs. 12.75 lakh from Sabrang Trust”. I submit once again that all cash withdrawals were towards meeting legitimate cash expenditures on activities of the trust and the same can be verified through our books of accounts and voucher records.

17. I say and submit that it is maliciously claimed that the total amount of funds received in the FCRA account of CJP, as stated in the crime branch's affidavit (Rs. 1.31 crore) is based on the information provided by the bank, as against the Rs.1,15,64,687 stated in the my affidavit in rejoinder dated 10.03.2014. I say that the detailed bank records support our claim and can be produced when required. I say and submit that this was dealt with in detail in the affidavit in rejoinder at Pages 20-21 (Para 10) of the earlier affidavit dated 10.03.2014. I once again emphatically and categorically refute the Respondent's malafide reiteration of the baseless allegation of transferring trust funds “to personal accounts and/or fixed deposit accounts in personal names”. I submit that



such baseless and malicious allegations made in an affidavit submitted in a court of law are nothing short of perjury.

18. I say and submit that it is alleged that “accused no 1 and 2 have admitted that they have transferred Rs. 67,24,235 from the FCRA account of CJP and Rs.1,83,43,376 from the SB account of CJP in their own family personal accounts”. I submit that this is a blatant falsehood for we have made no such alleged admission. It is further stated that, “misappropriation of huge public donations cannot be justified on the ground that as a Managing Trustee, she (Teesta Setalvad) was authorized to act in every manner she deemed fit”. I submit that the misappropriation charge itself is baseless and malicious and therefore any question of authorization for the same is nonsensical. I say and submit that Respondents, that include both the persons who has affirmed an affidavit based on falsehoods as also the law officer are deliberately and willfully misleading this Hon’ble Court to go to any lengths to resist the grant of Anticipatory Bail to the Applicants.

19. I say and submit that it is alleged that a transfer of Rs 1.20 crore to Sabrang Communications & Publishing Pvt. Ltd. is sought to be explained on the “specious plea of cost-sharing arrangement”. I submit that the Respondent’s notion of any organization engaged in large scale activities being able to function without office infrastructure and adequate staff is spurious. As stated above, as and when required, Sabrang Trust and CJP can produce evidence before the court to establish that the cost-sharing arrangements were good cost-saving options for both Sabrang Trust and CJP, which were decided upon with the sole intention of more funds being allocated to their activities and projects. I say and submit that

if similar queries were put to public functionaries of which the Respondents are a part, especially when the misuse of taxpayers monies is concerned for various questionable activities is concerned, the Respondents themselves would have “no reply.”

20. I say and submit that CJP, Sabrang Trust and Sabrang Communications & Publishing Pvt. Ltd. are functioning from the very same premises, Nirant, Juhu Tara Road, Juhu Mumbai. I submit that this is no great “Eureka moment” for the Respondents. I say that it is but obvious that the question of shared office space, equipment and staff would simply not arise if their offices were located in different places! The Respondents further claims that, “there are few other trusts operating from the same premises”. Since I am not aware of the existence of few other trusts operating from the same premise, perhaps the Respondents should divulge their names and other details as also divulge who and why they are conducting this pathetic witch hunt against the Applicants. I say and submit that the Respondents would also do well to divulge under whose directives (and illegally) account details of the Applicants and their organisations were obtained and under whose directives such illegal coercive activities against the Applicants are being carried out.

21. I say and submit that at Paras 20 & 21, the affidavit in sur-rejoinder reiterates that zero amount was credited into the savings account of Teesta Setalvad and Javed Anand with the Union Bank of India between 1.1.2001 and 31.12.2002. I submit once again that this is a blatant falsehood. The deposits in the two savings accounts during the relevant period were as stated in the earlier affidavit of me, Teesta Setalvad (Pages 27-31, Allegation C and

Allegation D). The detailed statements of the Applicants can prove this and I say and submit that to deliberately misread bank statements by the Respondents amounts to a motivated falsehood.

22. I say and submit that again the depth and reach to which the Respondents are willing to go betrays a deep rooted animus against the Applicants harboured by the top level political and police functionaries of the Respondent, State of Gujarat.

I say and submit that it is alleged at Para 22 in the Sur-rejoinder that, “accused no. 1 & 2 have admitted that an amount of Rs 2.22 crore and an amount of Rs. 1.36 crore have been deposited in the two personal Savings bank (SB) accounts of accused no 1 and in two SB accounts of accused no 2 in such a short time”. I say and submit that this is nothing but a motivated attempt to make a bogus claim. I submit that we have made no such alleged admission. As pointed out in my earlier affidavit in rejoinder dated 10.03.2014, the Respondents have invented their own mischievous and malicious system of “double accounting,” where amount transferred from savings accounts to term deposits are treated as “fresh receipts” (!) when credited back into the savings account on maturity. Similarly, an amount transferred from one SB account to another SB account of the same person, too, is treated as “fresh receipts” deliberately and maliciously. I say and submit that again this is pathetic, vile and malicious.

23. I say and submit that it is alleged in Para 23 of the Sur rejoinder that “accused no 1 & 2 have admitted that a sum of Rs. 1.20 crore have been transferred to Sabrang Communications & Publishing Pvt. Ltd.” This is a willful and malicious distortion of what has been explained in the earlier affidavit in rejoinder dated

10.03.2014 and yet the same baseless allegations are being repeated thrice over in the sur-rejoinder only to prejudice the public mind and at any cost and through any means, all foul, block legitimate protection of Anticipatory Bail that is being sought from this Hon'ble Court.

24. I say and submit that the allegation in Para 24 of the Sur rejoinder pertaining to "huge amount" of cash withdrawals is false and baseless. I submit that without having cross-checked the total amount of cash withdrawals from the accounts of the two trusts, it is a fact that cash amounts were withdrawn from month to month for expenses necessarily incurred in cash. It is not possible for, example, to buy postage from the post office through cheque payments, or pay for taxis, rubber-stamps, tea and refreshments at a roadside restaurant. The total amount of cash withdrawals over the specified time period, as quoted by the Respondents, itself gives you an average cash withdrawal of Rs. 50,000 p.m. The Respondents have stated a blatant lie in its affidavit in claiming that cash withdrawals ranged from "Rs 1.5 lacs to Rs 5 lacs" per month. It thus deliberately conceal the fact that in case of Sabrang Trust (FCRA a/c) there were even months with zero cash withdrawal or as little as Rs 10,000. Similarly, in case of CJP FCRA a/c in most months there was zero cash withdrawal and never more than Rs. 45,000 in a month. As further proof of the Respondents malicious intent, it cites the example of a single month when Rs 5 lakh cash was withdrawn. It has reiterated this point in the sur-rejoinder even though the circumstances in which the amount had to be withdrawn (emergency purchases of relief material for those devastated by the killer flash-floods in Mumbai in August 2005) had been clearly

explained in my earlier affidavit in rejoinder-dated 10.03.2014 at Page 35.

25. I say and submit that at Para 25 of the Sur-rejoinder, the Respondents, claim that only Rs. 2.49 lakh spent on legal aid as against our actual figure of over Rs 2 crore: The Respondents affidavit claims its investigation includes information and documents collected from the offices of, among others, the charity commissioner and the FCRA department of the Union Home Ministry. Either the Respondents are willfully misleading the Court by stating falsehoods on affidavit or it does not know how to read annual returns filed by Sabrang Trust and CJP with the above-mentioned authorities. The figure it quotes is nothing but a figment of its imagination.

26. I say and submit that Para 26 of the Sur-Rejoinder is just a rehash of the allegations leveled earlier and therefore is not worthy of comment.

27. I say the contention of the Respondents that this is a fit case for custody is belied by the voluminous documents already collected in a malafide manner by them and being let out in dribbles to malign the Applicants, affect their fundamental rights of life and free movement. I say and submit that the only effect that custodial detention would have is in intimidation and coercing us to curtail our legitimate activities of providing legal aid to the Victims of Mass Crimes. I say and submit that the over keenness of the Respondents for custodial detention reveals who is actually behind this FIR and where the nexus lies. The masterminds behind the FIR are the top political functionaries of the state of Gujarat, no less.

28. I further reiterate that, with reference to the allegations contained concerning the decision to have a museum at Gulberg society the same have already been dealt with in our application and therefore in the present affidavit we are not dealing with the same extensively. However, I deny that those persons who were not victimised in the Gulberg society were passed out as victims of Gulberg society in the photographs, videos or otherwise. At no stage have we stated that a permanent museum was ready at Gulberg society as alleged. I further deny that the FCRA account was opened in order to get funds for the museum. I deny that crores of Rupees have been received in two FCRA accounts for the purpose of building a museum or that the so called crores of Rupees have been used for personal benefits by the applicants as alleged or at all. I do not admit that only 4 persons have passed the resolution as alleged in para 3 of the affidavit in reply. In any event neither of us are members of the society and therefore whether the society resolution is proper or improper is something, which we cannot comment upon.

29. I repeat again that it needs to be clarified that both Citizens for Justice and Peace and Sabrang trust have been established for carrying out activities and have been carrying out activities which are much broader than establishing the museum. The Sabrang trust was established in 1995 at which time the Gulberg Carnage incident had not even occurred. The Citizens for Justice and Peace was established in 2002 again much before any talk of any museum to be established at Gulberg society had even been conceptualised. Both the trusts are registered at Mumbai under the Bombay Public Trust Act, 1950. Both have been established inter alia for the object of spreading communal harmony and peace in society and also to assist the victims of communal violence across the country for reparation, redressal including ensuring legal

accountability vis a vis perpetrators. Both the trusts have been regularly filing their returns with the Charity Commissioner as well as the Income Tax departments. I say and submit that the entire exercise is malafide and malicious and what the investigating agency is trying to do in this case is to aggregate all the amounts which the trusts have received over the past few years for various activities and falsely claim that those entire amounts were received for building a museum.

30. I say and submit that we rely on a complete set of contentions made by us in the Affidavit in Rejoinder filed by me dated 10.03.2014. I reiterate that the consistent work of legal aid has ensured that at least 117 life imprisonments because of the efforts. This is unprecedented in independent India. It is in order to stop any further legal aid assistance and funding towards assisting victims of the Gujarat riots that the present action has been taken by the Respondents to in effect paralyse consistent legal aid to the Survivors of 2002. They have tried to do it in the past also through the proxy of Rais Khan, Zahira Shaikh and now with Firoze Khan. When they tried to do this with Zahira Shaikh the Supreme Court appointed a committee (at our instance) which completely exonerated me and Citizens for Justice and Peace. Subsequently, as is well known, Zahira Sheikh was convicted for perjury and sentenced to one year's simple imprisonment. Similarly Rais Khan (who is sought to be as a witness in the present case) was also castigated in Sardarpura carnage trial by the Special Court, Mehsana in its final judgment in which 31 persons were convicted. Again, objections of Rais Khan in the Naroda Patia case were disregarded and not believed by the Special Court, Ahmedabad. Thus it is clear that in the past similar attempts have been made

which consistently have been frowned upon right from the Sessions Court to the Supreme Court. I crave leave to refer to and rely upon the relevant documents in this regard when produced.

31. I say and submit that it is not out of place to mention that even in the present case, the Respondent State of Gujarat who's powerful functionaries have been exposed by this persistent and principled legal action are using a proxy war of intimidation and false cases to get at the applicant and the organisations concerned.

32. I submit that the initial complaint was by Firoze Khan Pathan in March 2013. However, for 9 months no effective action was taken after our final explanations to the Crime Branch in May 2013 as it obviously appeared to satisfy the authorities. It is only after the protest petition filed by Smt Zakia Jafri (which again has been supported from the outset by Citizens for Justice and Peace) was rejected by the Metropolitan Magistrate, Ahmedabad that the respondent swung into action possibly only in order to thwart any further support to Zakia Jafri filing an appeal in the higher court. In fact in the present case Zakia Jafri's son has been falsely made an accused. It is not out of place to mention that among the powerful accused arraigned in the Complaint dated 8.6.2006, two are those who head the Ahmedabad police/Crime Branch presently. I say and submit that it is now clear that there is a nexus between the Respondent state of Gujarat, its powerful political functionaries arraigned in the Smt Zakia Jafri Complaint dated 8.6.2006, the powerful policemen who occupy prominent positions in the Ahmedabad Police and Crime Branch, Ahmedabad and the Complainant and Rais Khan, the witness in this case.



33. I say and submit that in the earlier detailed 41 page reply dated March 10, 2014 filed before this Learned Court on March 11, 2014, detailed explanations have been given from Para 9 to 14 (Pages 8-38) details all explanations for the earlier set of vile allegations. When we answered these satisfactorily, obviously the Crime Branch, Ahmedabad functioning unlawfully at the behest of powerful bosses has gone steps further delving into personal expenses of the Applicants that is no business or concern of theirs. The motive of the Respondent State of Gujarat, Crime Branch Ahmedabad using in this filthy proxy war undesirable elements are doing so simply to tarnish the public mind and prejudice different fora. The Respondent State of Gujarat has stooped to an all time low in this war to prevent the further struggle for justice and redressal especially the appeal in the Smt Zakia Jafri v/s Narendra Modi and 59 Others case.

34. I say and submit that whatever is stated above is reflected in our accounts as audited regularly by Chartered Accountants and as submitted to the Charity Commissioner, Income Tax Authorities, FCRA Authorities and major donors. I submit that the Investigators have to first make out an offence and then search for evidence. In the present case what the Investigating Agency seems to be doing is to conduct a fishing inquiry, make wild allegations and then claim that an offence is made out. The allegation against the Applicants is that they have collected large sums of money to build a museum. Even after looking at the accounts the Investigating Authorities are unable to even allege as to how an offence under Sections 406 and 420 is made out against the Applicants. The entire exercise is an abuse of the process of law.

35. I submit that the FIR is in respect of so called deceit of Gulberg Society members in respect of the alleged museum. It is nobody's case that they parted with the possession of any property to us. It is also nobody's case that the property rates declined over a period to time thereby causing loss to any person. Besides no persons who gave any donation for the purpose of the museum (which aggregates to approximately Rs.4.5 lakhs given to Sabrang trust only) has complained about any alleged misuse. Besides there are three authorities established under law which alone can enquire into the details of accounts. These authorities are the Income tax authority, public trust authorities or the FCRA authorities. In the present investigation none of them have raised any queries and if at all anybody has any question concerning our account the same had to be raised by those authorities and all of which have also the powers to launch prosecution in case misuse of accounts. Therefore, there is no question of any further investigation of these matters let alone custodial investigation. The only reason for these wild allegations are made is due to sheer malafides. Besides the account speak for themselves. The investigating agency already has the accounts. Nothing is going to be gained by any custodial investigation as alleged. According to us no question remains unanswered and therefore the anticipatory bail ought to be granted.

Solemnly affirmed at Ahmedabad

On this 20th day of March, 2014)

Before me,

(Deponent)

Advocate for the Applicants