



Date: January 21, 2022

To,

Shri Dilip Walse Patil

Minister of Home Affairs,

Government of Maharashtra

Email id: [dilip.walsepatil@rediffmail.com](mailto:dilip.walsepatil@rediffmail.com)

[minister-home@gov.in](mailto:minister-home@gov.in)

**Subject:** Plea to take strong action against Hate offender and riot accused Milind Ekbote

Dear Sir,

We, at Citizens for Justice and Peace (CJP) are deeply concerned about the recent developments in the case where hate offender and rioting accused Milind Ekbote has been granted interim bail by a Sessions Court in Pune on January 12, 2022.

We would like to briefly state at the outset that Ekbote is the prime accused in the violent clashes that took place during the bi-centennial celebrations of the battle of Bhima-Koregaon, on January 1, 2018 which had left one person dead and created social unrest in the state. While 15 other persons including activists and lawyers are behind bars for a “conspiracy” behind the Bhima Koregaon event, the main perpetrator who allegedly went around inciting violence is a free man. These are not the only two cases he has been involved in, and his criminal antecedents are too many to count, yet he is being rewarded with bail.

We are writing this letter to strongly urge the State to take cognisance of the proposal of chargesheets against him and also to urge the State to oppose his bail in appeal considering the latest case against him where he has been charged with inciteful and hateful speech.

#### **Why action against Hate speech is relevant**

In the light of several cases of hate speech being reported across the country, it is pertinent that the State of Maharashtra takes strict action in this regard and adopts a policy of ‘zero tolerance on hate related crime’ which certainly includes hate speech. As you must be aware of the much popular case of the ‘Dharam Sansad’ in Haridwar and the hate speeches made by Sudarshan News Editor Suresh Chavanke in Delhi giving calls for genocide against the Muslim community. The Supreme Court has taken note of these cases of hate speech as the petition has been filed by a former Patna High Court judge Ms Anjana Prakash and a journalist. The videos from that event went viral on social media causing much furor amongst the public and people from all walks of life have demanded strict action in this matter.

Accordingly, we are of the view that no incident of hate speech should be let off easily and not in a case where the offender is a person like Ekbote who has been accused of rioting and disturbing public peace in the past and has been on the radar of Pune Police for a long time.

The most recent case against him and few others is that of a program was held at Natubag maidan on December 19, 2021, to mark the occasion of the killing of Afzal Khan by Chhatrapati Shivaji Maharaj where the accused made hate inciting and hurtful statements against Muslims and Christians. After the video clip of the speech went viral on social media, Khadak police station in Pune lodged a case on December 28. Ekbote, along with Nandkishore Ekbote, Deepak Nagpure, Kalicharan Mahajraj and Mohannrao Shete were booked under sections 295A (Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs), 298 (Uttering words, etc., with deliberate intent to wound religious feelings), 505(2) (Statements creating or promoting enmity, hatred or ill-will between classes) and 34 (acts done in furtherance of common intention) of the Indian Penal Code.

The bail order by Additional Sessions Judge PR Ashturkar, without giving any reasoning for releasing the accused on interim bail directly jumps to the verdict of granting them bail and states that the accused shall be released on executing P. R. bond of Rs.25,000/- each along with one or two sureties of the like amount on the condition that they:

- shall not tamper with evidence
- shall cooperate with the investigation
- shall not commit any offence and
- shall attend the police station every Sunday.

**The copy of the Sessions Court order dated January 12, 2022 is marked and annexed as Annexure A Ekbote and the Bhima Koregaon case**

He was booked in two FIRs for inciting violence and rioting as well as under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. He was arrested in this matter in March 2018 and after failing to get pre-arrest bail right up the Supreme Court, a Pune Sessions court granted bail in April within a month of his arrest.

The former BJP government in the state, was accused by many for shielding Ekbote and Sambhaji Bhide in the Bhima Koregaon riots case and instead targeting activists in the name of “conspiracy”. It was expected that the Maha Vikas Aghadi (MVA) government would change this and pursue the case in a more stringent manner and get the real culprits behind bars and begin the trial in the case. However, the same has not happened yet. As per news reports, the cases against Ekbote and Bhide, appear to be awaiting sanction for prosecution from the Home Ministry as the Pune Police reportedly submitted a proposal for filing chargesheet at least against Ekbote sometime around January 2021.

A secret report of the Pune Police had surfaced in media circles in September 2018 and Times Now had released a news report stating that the 8-page report submitted on January 20, 2018 and kept under wraps by the then BJP state government, claims that Bhide and Ekbote allegedly roped in Hindutva ultras to create unrest. The document further states that Milind and Ekbote’s men also declared about the violence on social media and were aware about the clashes since 16 December 2017. The report was also submitted to Vishwas Nangare Patil, Inspector General of Police of the Kolhapur Range in

Maharashtra, but reportedly, no action was taken. It was a well-planned conspiracy. “It was planned way in advance... Swords and arms were made ready before the violence began. Locals were also aware of something of this sort happening, but the police completely turned a blind eye to it, which is why the situation escalated,” the report stated.

**The copy of the Times Now report dated September 1, 2018 is marked and annexed as Annexure B**

**Ekbote and Pune Police**

In 2001, the Maharashtra police had, after thorough investigation, taken a decision to arrest him. The Pune rural and urban police opined (October 30, 2001) that “strict action must be taken against him under the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-Offenders and Dangerous Persons Act, 1981(MPDA) Act, 1981 (Amended 1996).” To enable this action, a Police Inspector of the Deccan Police Station, Pune, sent a proposal to six Police *Commissioners* and one Deputy Police Commissioner. Following this report, CP Pune had prepared a detailed proposal, extracted detailed information on all the crimes that Milind Ekbote has been accused of and had given his final and conclusive approval to the proposal on November 2, 2001. Ekbote was spared arrest in October 2001 by the reported interventions of none less than former deputy home minister LK Advani.

The proposal from Pune City Rural, Dr. Madhav Sanap, Superintendent of Police, Pune Rural to Commissioner of Police, Pune recounts Milind Ekbote’s provocative behaviour and inciteful speech on October 7, 2001 to a crowd near the Sorati Somnath Temple, following which the mob gathered there. The crowd moved deeper into the villages, where they demolished the Muslim Cemetery and *Idgah*, and set numerous Muslim shops and houses on fire.

The police thereafter registered an offence against him with relation to his criminal actions on October 9, 2001, an FIR. The FIR was registered against him for defaulting under Section 75/2001, under IPC Sections 143, 147, 148, 149, 333, 353, 332, 435, 297, 116, 153(a), 1(a)(b)(c), and 2 and 505(2)(1)(k)(g), and Section 135, and Press and Registration Books Act 1867 to 3R/W 12. The police go on to say that “there have been multiple allegations made against him for instigation of communal violence in Pune City and the Satara District.” The rural Pune police also opposed him being granted bail saying that Ekbote’s agenda is “to create a Hindu-Muslim communal conflict by hiding away oneself. Shri Ekbote is a staunch Hindu Fundamentalist, and if he is granted Bail, he is certain to take advantage of the currently brewing situation which will ultimately lead to riots in the society.” It was following these series of incidents that preventative action under the MPDA was strongly recommended.

**The proposal sent by Pune Police dated October 15, 2001 has been marked and annexed as Annexure C**

**Ekbote’s criminal profile**

According to a report by Mumbai Mirror dated January 3, 2018, Ekbote has 12 cases of rioting, trespassing, criminal intimidation, and attempts to spread enmity between two communities against him and has been convicted in 5 of these cases. In his first term as a BJP corporator in Pune between 1997 and 2002, Ekbote had come to a fist-fight with a Muslim corporator over the construction of Haj House.

**Details of the cases that are related to Inciting Communal Tensions**

1. Deccan Police Station : under sections 812/90, IPC 153 (a) (b), 34 435/92, Judicial, 435/92, 29.9.92
2. Deccan Police Station: under sections 548/91, IPC 143, 336, 427, 120 (b), Case No 26,00/91 18.9.91
3. Khadak Police Station: under sections 133/2001, IPC 143, 148, 149, 452, 427, 323, Section 37(1) 135, Judicial, Case Nos 89/2001 dated 14.6.01
4. Deccan Police Station: under sections 368/01, IPC 341, 34, Judicial, /2001 dated October 25, 2001
5. Satara City: 214/01, Section 143, 147, 341, 151, 186, 'To be Enquired'
6. Saswad (rural Pune): 75/01, IPC 143, 147, 148, 149, 333, 332, 353, 435, 297, 116, 153 (a), 1(a)(b)(c), and 2, 505(2)(1)(k)(g), and Section 1 35 Press and Registration Books Act 1867, 3

**Detailed information on the cases lodged against Ekbote**

We are presenting here details of few the cases many cases that have been lodged against Ekbote proving that he is a threat to public order in the state and the bail granted to him at least in the recent case of hate speech is unjustified and needs to be acted against by the state.

1. Khadak Police Station, Case Number 133/2001 (IPC Section 143, 147, 149, 452, 427, 323, Section 37(1), 135)

Shri Sudhir Sabale had his Bidi Manufacturing unit that was registered under the name Sambhaji bidi. Milind Ekbote, along with 16 others entered the premises and demanded that the name of the unit be changed. After making such demands, they proceeded o destroying the office. In this process, the prosecutor lost Rs 15000. An FIR was lodged, and at 12:15 Ekbote was arrested. He was released on the same day on a bail of Rs 5000. After an enquiry was made into the case, on June 14, 2001 a charge sheet was filed against Ekbote and the 16 others (R 89/2001)

2. Satara Police Station, Case number 214/2001 (IPC Section 143, 147, 341, 151, 186)

On July 9, 2001, at around 12.00 p.m. at Powai Naka, Satara there was a procession. Pratapgarh Utsav Samiti, Shiv Pratap Bhumi Mukti Andolan and other Hindutva Vadi association members gathered and demanded that the government must take possession of the land that has been given to the Afzal Khan Memorial Trust in Pratapgarh. It was also demanded that any monetary aid asked for restoration and maintenance must not be provided for. This rally was conducted near the Collectors Office. After celebrating and garlanding the Shivaji Statue in Powai Naka, Satara, the procession left the location at around 12:00 and reached the region behind the Collectors Office at 13:00 hours. This rally, of approximately 200-250 people, was led by Milind Ekbote. They stopped the traffic and the people who were trying to bypass the road behind the Office, that connected Powai Naka to Godoli. Although the police present there did warn them that their acts were illegal, they continued their protest. They proceeded to tear apart a green

coloured cloth and set it on fire in the middle of the street. N M Jadhav, a Sub Inspector at the Satara City Police Station, lodged an FIR – following which Milind Ekbote was arrested on October 12, 2001, at 5.20 p.m.. On October 15, 2001 he was awarded a bail by the court.

### 3. Deccan Police Station, Case number 368/2001 (IPC Section 341, 34)

The following events occurred on September 8, 2001, with prosecutor Ilyas Khawaja Saudagar, alias “Kureshi”, who resides at 904 Kasba Peth, Pune. His employer, Shakeel Qureshi, who resides at Mukkam Post Mahalunge, Taluka Haveli, District Pune bought 4 bullocks from Bhanudas Kasbe. He asked Ilyas to bring the animals to Market Yard for sale. While the prosecutor and the nephew were on their way via Goodluck Chowk, at 2 p.m. hours, they were stopped by Milind Ekbote and 2 other individuals. He stopped them, and asked them “Don’t you know me? I am Milind Ekbote.” Saying this, they refused to let them pass through and insisted that come with them to the Deccan Police Station, and they were forced to oblige. The above events were narrated to the Police, and on October 25, 2001 a case was lodged against him CC 4093/2001 in A.C. Court Pune.

### 4. Saswad Police Station Case No. 7/2001 ( IPC section 143, 147, 148, 149, 333, 353, 332, 435, 297, 116, 153 (a) (b) (c) and 2 and 505 (2) (k) (g) section 135 press of registration books act 1867 section 3)

On October 7, 2001, at 8:00 a.m. 50 to 60 members of the Vishwa Hindu Parishad conducted a jalabhishek ceremony at the Sangameshwar Mandir, Saswad. The ceremony ended at 10 a.m., after which a meeting was held during which Milind Ekbote gave a speech. This speech was entirely provocative in nature. People were instigated in the name of religion and dharma. Following this, all the individuals present at the ceremony were joined by many others at a gathering at Amar Chowk Nagarpalika. It was a gathering that ranged from 800 to a 1000 people. They proceeded to Garade Road, from where they entered the cemetery and started demolishing the place and pelting stones. Although the police asked them to stop, they continued the violence, injuring a few police officers as well. The Police charged at the crowd using lathis. A few people from the same crowd went to Hadako Colony, and surrounding the ST Stand, on Hiware road, at Idgah Maidan, started pelting stones and severely damaged the area. In addition to this, multiple general stores and houses belonging to Ganibhai Bhagwan, and 12-14 other Muslim Community members, were completely destroyed. NS Bhosale Patil, lodged a complaint against the crimes on October 9, 2001, and at 12:30 a.m. he was arrested and was brought before the court in the morning. The crime is still being investigated by the police and remains pending.

### **Ekbote’s Modus Operandi**

Ekbote allegedly used to assemble groups of Hindu Youth in the Pune and Satara Districts, and recites to them (distorted) stories from ‘Hindu History’ in relation to Chatrapati Shivaji Maharaj, Sambhaji Maharaj, Swatantryaveer Savarkar. These stories are constructed by him in such a way, that they are bound to incite the listener against the Muslim Community and give rise to Communal Tensions.

He has allegedly instigated mobs against the Afzal Khan Memorial Trust in Pratapgarh. He has further encouraged a communal procession after the *jalabhishek* celebrations at the Sorti Somnath Temple. He

has also said that the *Subhansha Dargah*, which is situated in the centre of *Shukrawar Peth*, must be demolished as it causes an inconvenience to the passing travellers and traffic.

In the City of Pune, there are multiple instances of communal schisms. Muslim members of the community are being warned against Cow Slaughter, December 6 is 'celebrated' by the ringing of temple bells and young Hindu Members are being aggravated against the Muslims. Such provocations have kept intra-community tempers on the boil.

### **Our plea**

Looking at the antecedents of Ekbote and his history of acting against the law, no court should be granting him bail ideally. Moreover, it is important that now that the court has granted him interim bail, the matter is pursued vigorously by the State (including the prosecutors and investigating officers) to ensure that Ekbote is put behind bars at the earliest which will not only serve as an example that the state of Maharashtra is serious in tackling cases of hate speech unlike other BJP-ruled states but also to prove as a deterrent for all those self-proclaimed right-wing leaders who think they are above the law.

We strongly and earnestly urge the Maharashtra government to act soon and act strongly against the likes of Ekbote and have a 'zero tolerance' policy for hate related crimes, especially hate speech which is always the first step towards inciting communal tension and eventually violence.

We, therefore, urge you to expedite the proposal for filing chargesheet against Ekbote in an FIR related to the Bhima Koregaon riots case which has been received from Pune Police in January 2021 and was submitted to then Home Minister Shri Anil Deshmukh who confirmed the same to the news media. We also urge the state government to take serious cognizance of the fact that a repeat offender like Ekbote has been granted bail time and again and is roaming free despite having been accused of serious crimes like rioting and hate speech.

We hope that the government will take necessary action in this regard at the earliest.

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary



**Annexures:**

Annexure A: Copy of the Sessions Court order dated January 12, 2022

Annexure B: Copy of the Times Now report dated September 1, 2018

Annexure C: Copy of the proposal sent by Pune Police dated October 15, 2001