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GOVIND PANSARE MURDER CASE

HC grants bail to 6 accused, cites long incarceration, 'no end of trial in sight'

Court directs accused be released on bail after furnishing personal bond of Rs 25,000 each

OMKAR GOKHALE
MUMBAI, JANUARY 29

THE BOMBAY High Court Wednesday granted bail to six accused in the 2015 case related to the murder of Communist Party of India (CPI) leader Govind Pansare, citing their long incarceration.

The accused who were granted the relief are Sachin Andure, Vasudev Suryawanshi, Bharat Kurne, Amit Degvekar, Amit Baddi and Ganesh Mishkin, who were arrested in 2018 and 2019. The court said the bail plea of another accused, Virendrasingh Tawade, would be separately heard in due course.

A single-judge bench of Justice Anil S Klor concluded hearing on the bail pleas argued through advocates Niteen Pradhan, Pushpa Ganediwala and Virendra Ichalkaranjikar on December 12, 2024, and reserved the verdict. Dr Megha Pansare, daughter-in-law of the

deceased activist, had filed intervention applications opposing their bail pleas.

Activist Pansare and his wife were shot while on a morning walk on February 16, 2015, in Kolhapur. While his wife survived the attack, the CPI leader died at a Mumbai hospital four days later.

In its detailed order, the court noted that the applicants were in jail for over five-six years pending trial and deserved relief due to "the long period of incarceration".

"If we see the progress of the trial, the pace with which the trial is proceeding, and the number of witnesses remaining to be examined, it is evident that there is no satisfactory progress... which further shows that there is no end of trial in sight. There is no likelihood that trial will be concluded in near future," the judge noted.

The HC directed the accused be released on bail after furnishing a personal bond of Rs 25,000



Govind Pansare and his wife were shot while on a morning walk in Feb 2015.

each, along with surety of the same amount, among other conditions. It added that if the applicants are not in jail in any other offence, on release in present crime, they shall attend Rajarampuri police station in Kolhapur twice a month till the conclusion of trial, except on the dates of hearing in present or other cases against them.

While deciding Andure's bail plea, the bench noted that after going through the chargesheet

and relevant material, it was evident that the statement of one witness was recorded in January 2018, three-and-half years after the incident, based on which he was implicated for criminal conspiracy.

"The whole case of the prosecution is based on circumstantial evidence against the applicant and there is no prima facie direct evidence," the bench noted. It said that the same gives "rise to suspicion that why the said witness did not approach the police earlier and gave a statement only after the HC issued various directions".

On January 2, another bench of the high court had said the probe did not require further monitoring by it and directed the Kolhapur court to expedite the trial. In August 2022, the court transferred the investigation to the Maharashtra Anti-Terrorism Squad (ATS) from the Special Investigation Team of the Criminal Investigation

Department (CID) of the police.

The ATS had identified 12 accused, of which charges have been framed against 10 — the seven bail applicants as well as Sameer Gaikwad, Anmol Kale and Sharad Kalaskar — for murder, attempt to murder and criminal conspiracy under the Indian Penal Code and provisions of the Arms Act.

The Kolhapur court has declared alleged shooters Vinay Pawar and Sarang Akolkar as absconding in the case.

The accused are linked to a radical right-wing outfit called Sanatan Sanshodhan and its affiliates, according to the ATS.

Tawade, Kalaskar and Andure were also named in the 2011 murder of anti-supersnman activist Dr Narendra Dabholkar. Most of the accused in the Pansare murder case are also charged in the 2015 murder of Kannada scholar M M Kalburgi and the 2017 murder of journalist Gauri Lankesh.

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Pansare murder...

The bail plea of another accused, Virendrasinh Tawade, will be heard separately.

Pansare, 82, was shot at on February 18, 2015, in Kothapur as he was returning home from his daily morning walk with wife Uma. The attackers, who were on a motorcycle, fired multiple rounds before fleeing. Pansare succumbed to his injuries on February 20 at the Breach Candy Hospital in Mumbai, while his wife survived after receiving medical treatment.

In its bail orders, the court noted that the accused were arrested in 2019 and have been in jail for more than five years. Their arrest was based on confessional statements of the co-accused. "As far as the confessional statements are concerned, it is evident that those were given by the co-accused. Hence, while using the same against the applicant, the prosecution is required to bring on record the corroborative evidence," the court observed.

The court further highlighted that the case was based on circumstantial evidence and raised concerns over the prosecution's reliance on the delayed statement of a witness. "The prosecution is further relying upon the statement of one (witness) whose statement was recorded after more than three-and-a-half years of the incident. No sufficient explanation has been offered for the delay in reporting the matter by Shri Sagar Lakhe to the investigating agency," the order stated. It also noted that the witness gave his statement only after the court had issued various directions in connected petitions.

Given the slow progress of the trial and the number of witnesses yet to be examined, the court concluded that "there is no end of the trial in sight." Taking into account the prolonged incarceration of the accused, bail was granted.

Initially investigated by Rajarampur Police Station, the case was later transferred to a Special Investigation Team (SIT) under the Additional Director General of Police (CID), Maharashtra. Dissatisfied with the lack of progress, Pansare's family sought a transfer to the Anti-Terrorism Squad (ATS). The Bombay High Court, on August 3, 2022, handed the case over to the ATS, observing that there had been no headway or breakthrough in the probe. The ATS team, led by Superintendent of Police Jayant Meena, continued the investigation.

Of the 12 accused identified, 10 have been arrested, and four supplementary chargesheets have been filed. However, two alleged shooters remain absconding. The trial against the arrested accused is ongoing. The high court had been monitoring the investigation on a plea by Pansare's family. However, earlier this month, it ceased its monitoring, stating that "further monitoring of the investigation of the present crime is not necessary," while expediting the trial.