

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1012 OF 2022**

Kirit Somaiya .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Hrishikesh Mundargi for the Applicant.

Senior Advocate Mr.Shirish Gupte, Spl.P.P. with Mr.S.H.Yadav,
A.P.P. for the State/Respondent.

Mr.Vinay Ghorpade, Sr.P.I. attached to GC 4, EOW, present.

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CORAM: BHARATI DANGRE, J.

DATED : 10th AUGUST, 2022

P.C:-

1. The applicant is apprehending his arrest in C.R.No.53 of 2022 registered with E.O.W., which invokes Sections 406, 420 read with Section 34 of I.P.C.

The subject C.R. came to be registered on complaint of alleged collection of funds undertaken in the year 2013 for the purpose of restoration and maintenance of I.N.S.Vikrant, the first aircraft carrier that was built in India and has served the Indian Navy over several years by participating in various

missions. The memories of the said aircraft hold significant and sentimental value in the minds of the Indian public. When the Government intended to scrap the vessel as it had outlived its usefulness, certain political parties initiated campaigns and steps were taken for stalling the scrapping of the said prestigious vessel. The complaint alleged that under the guise of reviving the said vessel, huge amounts were collected and the allegation is, the said amounts were misappropriated. The complaint makes a reference to the special drives, being undertaken as an initiative to raise awareness about the importance of I.N.S. Vikrant.

2. On the last date of hearing, learned Special Public Prosecutor, Senior Advocate Mr.Gupte, was asked about the approximate value of the amount, which has been collected through various platforms and, today, the learned Senior Advocate, on instructions from the concerned officer, makes a statement that though the complaint alleged that Rs.57 Crores were collected and this figure was projected through print media/social media platforms, there is no material available with the Investigating Officer to establish that there was collection of Rs.57 Crores, which was dishonestly misappropriated.

3. In the wake of the specific statement made by the learned Senior Advocate, representing the prosecution, and since the investigation carried out till date does not lead to an inference, supporting the accusations faced by the applicant in the complaint and in pursuance of the notice issued under Section 41A of Cr.P.C., the applicant has reported to the Investigation Officer and co-operated in investigation, the protection granted earlier, deserves a confirmation.

A specific statement is also made by the prosecution that, custodial interrogation of the applicant is not warranted.

4. Learned counsel Mr.Mundargi makes a categorical statement that the applicant shall abide by the notice issued under Section 41A of Cr.P.C. and shall report to the Investigating Officer on 17/08/2022, during the course of the day.

5. In the wake of the above, order dated 13/04/2022 is made absolute. Needless to state that the applicant shall continue to render co-operation in the investigation.

(SMT. BHARATI DANGRE, J.)