IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [BA] NO. 234/2021.

Lt. Colonel Malkiat Singh Kaloti s/o Karamsingh Kaloti.

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri S.S. Sharma, Advocate for the Applicant.
Ms. N.P. Mehta, A.P.P. for Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : APRIL 06, 2021.

Heard learned Counsel for the parties through video conference.

2. The applicant is seeking regular bail in Crime No.1033/2020, registered with Jaripatka Police Station, Nagpur for the offence punishable under Sections 306, 420 read with Section 34 of the Indian Penal Code. Besides usual grounds, the applicant claim bail on the ground of old age, heart ailment etc.

3. The Non-applicant State has resisted the bail by filing reply affidavit dated 30.03.2021.

4. At the instance of report lodged by Raghuvirsingh dated 12.12.2020, the aforesaid crime came to be registered. The

informant was running Highway Security Services, having its head office located at Noida. In the year 2015-16 at the instance of the applicant, a contract for providing security to Punjab and Sindh Bank in Maharashtra State was assigned. The applicant undertook to work as a Manager and took the responsibility of the business in the State of Maharashtra. On assurance of the applicant, the informant forwarded relevant documents, and accordingly the contract was assigned. It was decided that the applicant and the informant would share the profit equally.

5. It is the prosecution case that the applicant who was acting as a Manager was solely responsible to look after the security business in Maharashtra State. It is alleged that the applicant had taken out the funds from the accounts of the Security Agency and misused it for his own purpose. It is further alleged that, from time to time the appellant has siphoned the money without the knowledge of the complainant, and as such has misappropriated the funds. Though the applicant has undertook to pay the government dues like GST, Employees Provident Fund, Employees Insurance Fund, however, he did not pay the same, and as such the applicant had misappropriated huge funds to the tune of Rs.44,63 lakhs.

6. The case diary shows that the applicant has executed a

Memorandum of Understanding-cum-Undertaking on 29.03.2019, wherein he has accepted that he has used the funds for his personal purpose and to return it to the informant. The undertaking further discloses that in order to repay the misappropriated amount to the tune of Rs.44.63 Lakhs, the applicant had issued cheques, however, the same were dishonored.

7. From the case papers, it appears that the applicant was solely in-charge of the affairs of the security business run in the State of Maharashtra. Prima facie, there is material to show that the applicant has misappropriated huge amounts and had used it for his personal purpose. The investigation is still underway. The possibility of the applicant of hampering the investigation and pressurizing the prosecution witness at this crucial stage cannot be ruled out. Thus, having regard to the nature of accusation, the role of the applicant, the amount involved and particularly the investigation is still in progress, the applicant has failed to make out a case for grant of bail. In view of that the applicant is not entitled to bail. Criminal Application is therefore, rejected.

JUDGE

Rgd.

Rakesh Dhuriya
Digitally signed by Rakesh Dhuriya
Date: 2021.04.06 15:55:07 +0530