

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **BAIL APPLN. 1097/2012**

+ **Date of Decision: 21st September, 2012**

L.C. ADLAKHA **.....Petitioner**
! Through: Mr. R.N. Mittal, Sr. Advocate
with Mr. Raj Kapoor &
Mr. Manoj Kumar, Advocates

Versus

\$ **STATE (THROUGH NCT OF DELHI)Respondent**
Through: Mr. M.N. Dudeja, APP for the
State with SI Khalid Akhtar PS
I.P. Estate
Mr. Vivek Aggarwal, Advocate
for the complainant

CORAM:

* **HON'BLE MR. JUSTICE P.K.BHASIN**

JUDGMENT

P.K.BHASIN:J

This is an anticipatory bail application filed by the petitioner who is wanted in a case registered against him at I.P. Estate Police Station under Sections 420/468/471 IPC vide FIR No. 102/2012 on the complaint of his own son-in-law Mr. Sandeep Marwah.

2. The allegations against the petitioner are that he has been getting contracts from CPWD on the basis of documents which he had forged to show that he was one of the enlisted contractors of CPWD. He is alleged to have got payments of about half a crore of rupees from the public exchequer in that fashion. This information was provided to the police by the petitioner's son-in-law after he got the information by moving an application under the Right to Information Act, 2005 in the office of CPWD to the effect that the Firms, M/s State Organisation of Builders in the name of which he was getting contracts was not enlisted as an approved contractor of CPWD.

3. The investigating agency also now found out from the office of CPWD that the Firm in the name of which he was doing the contract work was not on the panel of approved contractors who could get building contracts etc.

4. The petitioner is now sought to be arrested so that it could be investigated on the basis of information to be supplied by him in custody as to how he could manage to get contracts from CPWD officials when he was not an approved contractor. There is a possibility of many such persons getting money from the public exchequer in the manner in which the petitioner was allegedly getting. The investigating agency needs to find out the

involvement of CPWD officials also in this scandal. This was so claimed by the learned Additional Public Prosecutor.

5. Shri R.N. Mittal, learned senior counsel for the petitioner had submitted that the petitioner's son-in-law had been helping him in the said business and since some disputes had arisen between his son-in-law and the petitioner's daughter a criminal case had been registered against petitioner's son-in-law at the instance of his daughter and so only in order to take revenge the complainant had lodged a false complaint against the petitioner. It was also submitted by the learned senior counsel, relying upon some observations of the Hon'ble Supreme Court in the case of ***“Siddharam Satlingappa Mhetre Vs. State of Maharashtra & Ors.”***, AIR 2011 SC 312 that since the accusations had been made against the petitioner by his son-in-law with the object of humiliating him by getting him arrested in a false case, this Court should grant the relief of anticipatory bail to the petitioner.

6. On the other hand, learned APP for the State strongly opposed this application on the ground that there were very serious allegations against the petitioner of defrauding the public exchequer by resorting to forgery of documents and colluding with CPWD officials and taking advantage of the fact that at one time he himself was also employed as an Engineer in CPWD. It was further submitted that, if at all, complainant himself is also found

to be involved in the conspiracy with his father-in-law and CPWD officials he will also be not spared and further that even his involvement is fully established the petitioner cannot get any benefit.

7. Considering all the facts and circumstances, this Court does not find it to be a fit case for grant of anticipatory bail to the petitioner. This application is, therefore, dismissed.

P.K. BHASIN, J

SEPTEMBER 21, 2012