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

\+ BAIL APPLN. 1262/2016 & CRL.M.A.No.9906/16

RAHUL DEV & ANR ..... Petitioners

Through : Mr.Shailendra Bhardwaj with Ms.Aroma S.Bhardwaj, Advocates.

versus

STATE NCT OF DELHI ..... Respondent

Through : Ms.Meenakshi Dahiya, APP with SI Ajay, DIU East.
Mr.C.C.S.Tomar, Advocate for the complainant.

CORAM:
HON'BLE MR. JUSTICE S.P.GARG

O R D E R

% 03.05.2017

1. The petitioners seek anticipatory bail under Section 438 Cr.P.C. in case FIR No.40/2016 registered under Sections 420/467/468/471/120B IPC at PS Geeta Colony. Status report is on record.

2. I have heard the learned counsel for the parties including the counsel for the complainant and have examined the file. By an order dated 13.06.2016, the petitioners were granted interim protection and were directed to join the investigation as and when required. Undisputedly, the petitioners have since joined the investigation.

3. The present FIR was lodged on the complaint of one Poonam Aggarwal when she disclosed that certain payments were received by Mohit to make available mark-sheets of 10th and 12th classes without her attending any class. She was also got admitted in some Jaipur University in B.Com for consideration of ₹30,000/-. These certificates made available by Mohit were found forged. Apparently, the complainant herself was privy to get forged and fabricated certificates on payment of illegal consideration to Mohit. It appears that no action has been taken so far against Mohit.

4. During investigation, scope of the present FIR has been expanded. Mohit Gupta during interrogation revealed that he had prepared complainant's documents through Vikas Aggarwal. Vikas Aggarwal on interrogation produced an affiliation letter issued by petitioner - Rahul Dev, Controller of Exams of Board of Secondary Education, Madhya Bharat Gwalior, M.P. On Vikas Aggarwal's instance Sanjay Mishra - petitioners' employee was arrested on 02.03.2016. The petitioners' residence and office were searched. On 06.03.2016, Ganga Dayal Shakya - petitioners' father was arrested; he has since been admitted to bail. No cogent evidence has so far been collected to infer if the documents made available to the complainant were forged and fabricated and were issued with the active connivance of the petitioners or they were beneficiaries. It is still to be ascertained as to what is the status of Board of Secondary Education, Madhya Bharat Gwalior, M.P. Allegations against the petitioners are not specific.

5. Considering the facts and circumstances of the case, the petitioners are granted anticipatory bail and in the event of arrest, they be released on furnishing personal bonds in the sum of ₹ 50,000/- with one surety each in the like amount to the satisfaction of the SHO/Investigating officer. They shall, however, join the investigation as and when required.

6. The bail application stands disposed of. Pending application also stands disposed of.

S.P.GARG, J.

MAY 03, 2017 / tr