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

+ **BAIL APPLN. 2465/2020**

NAVENDU AGARWAL Petitioner
Through Mr Jaspreet Singh Rai, Mr Linoy
Varghese, Advocates.
versus

STATE NCT OF DELHI Respondent
Through Mr Amit Gupta, APP for State

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **17.09.2020**

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, seeking anticipatory bail in FIR No. 285/2020 under Sections 465/469/471/408/506 of the IPC registered with PS Ranjit Nagar, New Delhi.
2. The FIR in question was registered at the instance of a complaint made by M/s M12C Securities and Facilities Pvt. Ltd. (hereafter 'the said company') on 30.06.2020. It is stated that thereafter, the said company had filed another complaint on 15.07.2020. It alleged that the petitioner joined the employment of the said company with effect from 01.03.2019 and was designated as the head of Business Development (tender division). Allegedly, his performance was not up to the mark. It was further alleged that in the month of March, 2019, he was entrusted to prepare and submit a bid on behalf of the said company pursuant to a tender invited by Delhi Development Authority (DDA) for guarding DDA lands falling under

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Rohini Zone. It was alleged that the petitioner had on his own volition, without informing or consulting the said company, prepared a forged document – a solvency certificate from HDFC Bank dated 11.11.2018. The said forgery was discovered by DDA and the said company has been blacklisted. Resultantly, the said company is also disqualified to participate in other contracts on account of being blacklisted by DDA.

3. In addition, it was alleged that the petitioner had also withdrawn ₹4 lakhs in cash towards expenditure for business development (₹2 lakhs on 20.1.2019 and ₹2 lakhs on 06.02.2020). However, the said amount was misappropriated.

4. The status report indicates that inquiries have been made and the solvency certificate purportedly issued by HDFC Bank was found to be a forged certificate. The investigations also revealed that the demand draft amounting to ₹23,600/-, which was furnished in respect of the said bid in question, had been submitted under the signature of the petitioner.

5. The records of the said company indicate that one of its directors, namely, Mr Pranav Tek Chand had been authorized to submit the bid to DDA and a resolution of the Board of Directors was passed to the aforesaid effect. He claims that he had, in turn, authorized one Mr Sangeet Kumar to submit the bid on behalf of the said company. However, Mr Sangeet Kumar has left the employment of the said company and his details are not readily available.

6. It is, thus, unclear as to how the petitioner is involved in furnishing the tender, which was authorized by the Board of Directors, to be submitted by Mr Pranav Tek Chand.

7. The status report also indicates that allegations and counter

allegations have been made by the said company against the petitioner and by the petitioner against the said company.

8. Considering the nature of the disputes, this Court considers it apposite to allow the present petition.

9. The petitioner is granted anticipatory bail in FIR No. 285/2020 under Sections 465/469/471/408/506 of the IPC registered with PS Ranjit Nagar, New Delhi, subject to his furnishing a personal bond in the sum of ₹10,000/- with one surety of the equivalent amount to the satisfaction of the concerned SHO/IO/Trial Court/Duty Magistrate. This is also subject to the following further conditions:-

- (a) that the petitioner shall join the investigation and fully co-operate with the IO;
- (b) that the petitioner shall provide a contact number and ensure that he is reachable at all times;
- (c) that the petitioner shall not leave the National Capital Territory of Delhi without informing the IO as to his whereabouts.

10. The present order shall continue and inure benefit to the petitioner only till a charge sheet is filed and not thereafter. All rights and contentions of the parties are reserved and nothing stated in this order should be construed as an expression of opinion (either *prima facie* or otherwise) regarding the merits of the controversy/allegations.

11. The petition is allowed in the aforesaid terms.

VIBHU BAKHRU, J

SEPTEMBER 17, 2020/pkv