

IN THE COURT OF SH. VIDYA PRAKASH
SPECIAL JUDGE (PC ACT) (ACB)-01
ROUSE AVENUE COURT COMPLEX: NEW DELHI

CNR No.: DLCT11-000830-2026

Bail Matters No.: 199/2026

FIR No. 03/2025

PS : ACB

U/s : 13(A) PC Act

r/w S.409/420/468/471/120B IPC

State v. Tej Prakash s/o Sh. Surendra Prasad

21.07.2026

This is a regular bail application u/s 483/480 BNSS, 2023 moved on behalf of the applicant/accused Tej Prakash s/o Sh. Surender Prakash.

Present : Sh. Pramod Kumar, Ld. PP for State.

Sh. Sanjeev Bhardwaj, Advocate for
applicant/accused.

IO/ACP Ashok Kumar Singh alongwith case file.

Reply to bail application filed. Copy supplied.

Arguments on the bail application heard. Reply
perused.

Ld. Counsel for the applicant/accused has argued on the lines of bail application, while submitting that applicant/accused is innocent and has been falsely implicated in the present case; he is in custody since 29.06.2026 and nothing incriminating was recovered either from his possession, or even at his instance, despite grant of one day police custody remand to the investigating agency. It is further argued that the applicant/accused was a contractual employee in Irrigation & Flood Control Department and he remained posted as contractual JE in Civil Division-VII of said Department till 09.06.2023. It is further argued that in fact, the applicant/ accused was a whistle

blower and instead of making him approver, he has been arraigned as an accused in this case. It is further argued that the applicant/ accused was in fact forced to sign on the Measurement Books, by his superior officers and in view of threat extended by his senior officers to terminate his contract and out of good faith, the applicant/ accused had to sign those MBs on account of fear of loosing his job and also considering the liability of his family shouldered upon him. It is further argued that most of the entries in MBs pertained to the months of July and August, 2023, by which time, he had already been relieved from Civil Division-VII and had already joined his new assignment. It is further argued that applicant/ accused is not shown to be beneficiary of even a single penny in respect of the payments allegedly released by the Department to the contractors. Lastly, it is argued that the applicant is continuously in custody since 29.06.2026 and three co-accused persons namely Arun Gupta, Varun Gupta and Gagan Kureel (the then XEN) have already been granted bail in this case and therefore, the applicant/ accused may also be released on bail on such terms and conditions as may be deemed fit by this Court.

Per contra, Ld. P.P. for the State has opposed the bail application while stating that the allegations against the applicant/accused are serious in nature. It is submitted that co-accused Varun Gupta is the proprietor of M/s Amba Construction Company and he had misappropriated public funds, thereby causing wrongful loss to government exchequer amounting to Rs.43,74,822/- in connivance with other co-accused persons, including the present applicant/ accused. It is pointed out that the Committee of Engineers was constituted as per the directions of Principal Secretary, I&FC. As per the report of the said

Committee, the work awarded to M/s Amba Construction Company was yet to be started. However, the first and final bill amounting to Rs.48,10,236/- was passed and the net payment of Rs.43,74,822/- had already been made to the contractor *i.e.* M/s Amba Construction Company, of which accused Varun Gupta was the proprietor. It is submitted that officials of I&FC in connivance with co-accused persons namely Arun Gupta and Varun Gupta, had issued completion certificate of the work and also released the Performance Guarantee of Rs.19,96,500/- in their favour, without completion of the tender work. It is further submitted that during investigation of present case, bank statements of account of CD-VII, I&FC, proprietorship concerns namely M/s Baba Construction Co. and M/s Amba Construction Co. belonging to co-accused Arun Gupta and Varun Gupta, were obtained, as per which, payments were transferred/misappropriated through those accounts. The bail application is also opposed on the ground that the applicant/ accused had signed the bills and computerized MBs, without execution of work, as JE and as per, CPWD Manual, 100% presence of JE is required at the assigned project, however, the applicant/accused had signed those bills/MBs without work on ground. It is also submitted that the applicant/accused can influence the witnesses and/or may jump the bail in the event of grant of bail to him. It is, therefore, urged that the bail application may be dismissed.

I have perused the record, including FIR and reply filed by the IO.

During the course of arguments, it is submitted by the IO that sanction u/s 17A PC Act has been applied for against the then AE and further steps are yet to be taken against other

suspects/officials, meaning thereby that sanction u/s 17A PC Act has not yet been obtained against some of the other suspects and the investigation is yet to commence against those other officials allegedly involved in the commission of offences of the present case. Admittedly, co-accused persons namely Arun Gupta, Varun Gupta and Gagan Kureel have already been granted bail in this case. The applicant/ accused is shown to be continuously in custody since 29.06.2026 and is not stated to be found previously involved in any other criminal case. As per submissions made by IO, the investigation qua applicant/ accused is almost completed and thus, he is not shown to be required for his custodial interrogation in any manner.

After considering the overall facts and circumstances of the present case, including the stage of investigation, and the role allegedly played by applicant/ accused, the applicant/accused namely Tej Prakash is admitted to bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount subject to following conditions :

- (i.) That applicant/accused shall join the investigation in this case as and when so required by the IO;
- (ii.) That the applicant/accused shall not try to contact or influence, directly or indirectly, complainant or any other witness of present case and shall not tamper with evidence;
- (iii.) That applicant/accused shall not misuse the liberty of bail by indulging in commission of similar offence(s) in future;

- (iv.) That applicant/accused shall appear before the Court on each and every date of hearing, when so required;
- (v.) That applicant/accused shall not leave the country without prior permission of the Court;
- (vi.) That applicant/accused shall intimate to the Court in case of change of his residential address; and
- (vii.) In the event of breach of any of the aforesaid conditions imposed by the Court, it shall be open for the State to apply for cancellation of bail being granted to the accused herein.

The bail application stands disposed off in the aforesaid terms.

Copy of order be given *dasti* to Ld. Counsel for applicant/accused as well as to the IO.

Copy of order be also sent to the Superintendent Jail concerned for being delivered to the accused, as also for his information and compliance.

(Vidya Prakash)
Special Judge, PC Act (ACB)-01
RACC, New Delhi
21-07-2026