

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.10 of 2022

Manjulali De, aged about 66 years, wife of Late Gautam De, currently residing at Saptaparini Apartment, 91A, 58/1 Ballygunge, Circular Road, P.O. & P.S.- Ballygunge, District- Kolkata (West Bengal); resident of De Lodge, Circular Road, P.O. & P.S.- Lalpur, District- Ranchi, Jharkhand, 834001.

... Petitioner

Versus

1. The State of Jharkhand
 2. Varsha Butala, wife of Sri Narendra Butala, resident of 503, Vallabh Sadan, Peace Road, P.O.- G.P.O., P.S.- Lalpur, District- Ranchi.
- ... Opposite Parties

For the Petitioner : Mr. Rohit Ranjan Sinha, Advocate.
Mr. Pandey Neeraj Rai, Advocate.
For the State : Mr. Satish Prasad, Spl. P.P.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

1. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 439(2) read with Section 482 of the Cr.P.C. with the prayer to quash and set aside the order dated 09.02.2021 passed by the learned Judicial Commissioner, Ranchi in A.B.P. No. 2081 of 2019 whereby and where under the learned Judicial Commissioner, Ranchi granted anticipatory bail to the opposite party no.2; or, alternatively with the prayer to cancel the bail granted to the opposite

party no.2 pursuant to the said order dated 09.02.2021 in A.B.P. No. 2081 of 2019.

2. The brief fact of the case is that the opposite party no.2 is an accused of Lalpur P.S. Case No. 384 of 2017 corresponding to G.R. Case No. 6528 of 2017 involving the offences punishable under Sections 406, 420, 467, 468, 471, 34 of the I.P.C. in which case the petitioner is the informant. The allegation against the opposite party no.2 herein is that the husband of the opposite party no.2 namely Narendra Butala in capacity of Director of M/s Parth Sarvamangala Project Pvt. Limited, entered into a development agreement in respect of the property of the father-in-law and the husband of the informant. Both of them died after the said agreement dated 30.03.2006 was entered into by the parties. The allegation against the petitioner is that the son of the petitioner namely Pratyaksh Butala is one of the Directors of the said company and he in connivance with the petitioner as well as the employees of the said company and the Sub-Registrar of Ranchi Circle, the Sub-Registrar, Morabadi and property Registration Office along with the staffs of the said offices, got a forged power of attorney executed on 24.06.2016 and registered on 19.07.2017 purported to have been executed by the petitioner and her son; though the petitioner claims that she and her son have not executed the said power of attorney. On the basis of the written report submitted by the petitioner, the investigation of the case is still going on. During the pendency of the investigation, the opposite party no.2 herein filed Anticipatory Bail Application vide A.B.P. No.2081 of 2019 in the Court of

Judicial Commissioner, Ranchi. The learned Judicial Commissioner, Ranchi considered that the involvement of the opposite party no.2 herein, who was the petitioner before the learned Judicial Commissioner, Ranchi, was on the basis of an involvement with the said M/s Parth Sarva Mangalam Project Private Limited as the Director of the said company but she was a sleeping Director. Neither is she the signatory to the alleged forged documents namely the supplementary development agreement nor is she said to be the vendor of the sale deed based on the power of attorney, which is executed after the death of the executor of the power of attorney and by thus considering, the learned Judicial Commissioner, Ranchi granted the privileges of anticipatory bail to the opposite party no.2.

3. It is submitted by the learned counsel for the petitioner that anticipatory bail has been granted to the opposite party no.2 is erroneous, hence, the same deserves to be set aside as the anticipatory bail should have been granted keeping in view the serious nature of the allegation and the conduct of the opposite party no.2 herein. It is next submitted by learned counsel for the petitioner that at the time of hearing of the anticipatory bail application, the opposite party no.2 undertook to file the original power of attorney and also to file supplementary affidavit in which the original power of attorney was shown enclosed as annexure S/01 but she has not, in fact, produced the original power of attorney. It is then submitted that the conduct of each of the three accused persons of the said case should have been seen in conjunction vis-a-vis their *inter se*

relationship instead of being seen in isolation and upon such consideration, the anticipatory bail application should have been refused. It is further submitted that the interest of justice has been jeopardized by granting of the anticipatory bail, hence, the same is required to be quashed and set aside. It is lastly submitted that the prayer as prayed for in this Cr.M.P. be allowed.

4. The learned Additional Public Prosecutor appearing for the State and the learned counsel for the opposite party no.2 on the other hand vehemently opposes the prayer of the petitioner made in this Cr.M.P. and submit that the undisputed facts remains that the opposite party no.2 is not a party to any of the documents alleged to have been forged in the First Information Report being power of attorney, the supplementary development agreement or for that matter, any other document. It is next submitted that there is no provision of vicarious liability for a relative of an accused person of a case, in respect of any offence committed under the penal provisions of the Indian Penal Code. So, under such circumstances, the opposite party no.2 being in no way involved in any of the alleged forged document or in any offence of cheating as such and in the absence of the allegation against the petitioner that the petitioner was responsible for day-to-day business of the company concerned, no illegality has been committed by the learned Judicial Commissioner, Ranchi in granting anticipatory bail to the opposite party no.2; more so, keeping in view her old age and she being a female. Hence, it is submitted that this Cr.M.P., being without any merit, be dismissed.

5. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that the undisputed fact remains that the opposite party no.2 is not a party to any of the documents alleged to have been forged. The opposite party no.2 is an old lady. The opposite party no.2 claims to be a sleeping Director of the concerned company. There is no allegation against the opposite party no.2 that she is involved in day-to-day affairs of the company concerned. The investigation of the case is still going on for a long time.
6. Under such circumstances, this Court do not find any illegality or impropriety in granting the privileges of anticipatory bail to the opposite party no.2 by the learned Judicial Commissioner, Ranchi.
7. So far as the alternative prayer of the petitioner for cancellation of the anticipatory bail granted to the opposite party no.2 is concerned, it has been reiterated by this Court in the case of **Jyotshna Sharma @ Jyotsana Anand vs. The State of Jharkhand & Others** passed in Cr.M.P. No. 2499 of 2021, dated 01.04.2022, the grounds for cancellation of bail, illustratively though not exhaustively, which we are as under:
 - i) interference or attempt to interfere with the due course of administration of justice or;
 - ii) evasion or attempt to evade the due course of justice or;
 - iii) abuse of the concession granted to the accused in any manner.

iv) the satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail.

8. Now coming to the facts of the case that there is no allegation against the opposite party no.2 of committing any of such acts or omission as mentioned therein to make her liable for cancellation of bail.

9. Under such circumstances, this Court is of the considered view that there is no justification for cancellation of the bail granted to the opposite party no.2 in terms of the order dated 09.02.2021 passed by the learned Judicial Commissioner, Ranchi in A.B.P. No. 2081 of 2019.

10. Accordingly, this Cr.M.P., being without any merit, is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 21st of April, 2026
AFR/ Amar

Uploaded on 02/05/2026