

**28.11.2025**  
**Serial no. 4**  
[G.S.D]

**CRM (M) 2501 of 2025**

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973/under Section 483 of the BNSS, 2023 in connection with **GR(S) Case No. 1034 of 2025 arising out of Park Street Police Station Case No. 0205 of 2025 dated 29.10.2025 u/s 109/3(5)/316(2)/351(2)/64(2)(f)/85 of the BNS, 2023 read with Sections 3 and 4 of the DP Act, 1961.**

-And-

**In the matter of : XXX**

... .. Petitioner(s)

Mr. Firoze Edulji, Sr Adv.  
Mr. Sourav Chatterjee, Sr Adv.  
Mr. Soumopriyo Chowdhury  
Mr. Kausik De  
Ms. Mohini Majumdar  
Mr. Roshan Pathak  
Mr. Raghav Munshi  
Ms. A. Ghosh  
Mr. Adrish Chatterjee

... for the Petitioner(s)

Mr. Debasish Roy, Id. PP  
Mr. Anand Keshri  
Mr. Dipankar Mahata

... for the State-respondent(s)

Mr. Sandipan Ganguly, Id. Sr Adv.  
Ms. Manaswita Mukherjee  
Mr. Soumya Nag  
Mr. A. Rakshit  
Mr. Rajdeep Sengupta  
Ms. Atryee Chatterjee

... for the defacto-complainant

Mr. Edulji, Learned Senior advocate, appearing for the petitioner submits that the petitioner is 65-year-old and is suffering from various ailments. According to the learned Senior Advocate, the dispute cropped up between the defacto-complainant (daughter-in-law) and the present petitioner pursuant to the order passed on 04.09.2025 and the subsequent representations made to the authorities.

It has been contended that the complainant/daughter-in-law left the matrimonial home along with her children on or about 15.04.2025.

However, there was no accusation till then but the criminal case was initiated pursuant to the case initiated before the learned District Judge, South 24 Parganas under the provisions of Guardian and Wards Act.

It is insisted that since the petitioner has been implicated in connection with the instant case with grave charges embellishing wild facts, the petitioner may be released on bail on any stringent condition.

Mr. Roy, learned Public Prosecutor, appearing on behalf of the State, has produced the Case Diary.

The attention of the court has been drawn to the statement under section 164 Cr.P.c./183 of the BNSS of the victim as also the injury report and the statement of the doctor who treated the victim.

Learned advocate for the defacto-complainant submits that the son of the petitioner has fled away. The accusations, according to the defacto-complainant, are substantiated by the medical documents and both the father and the son committed physical torture upon the petitioner.

It has also been contended on behalf of the complainant that for a substantial period of time, the

petitioner expressed his lust. However, the alleged offence was committed on or about December, 2024.

I have considered the submissions of learned advocate for the petitioner, State and the defacto-complainant and I find that all the parties emphasizes on the factum of accusation of rape rather than a matrimonial dispute.

However, so far as the present petitioner is concerned, *prima facie*, from the materials available, it is admitted position that, the incident complained of is in the month of December, 2024 and the defacto-complainant continued to stay in the same residence till April, 2025. However, the complaint was lodged on 29<sup>th</sup> October, 2025.

Having heard the submissions of the parties and, on an assessment of the facts, I am of the view that further detention of the petition is unwarranted.

Hence, the prayer for bail of the petitioner is **Allowed.**

Accordingly, the petitioner (XXX) shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties of Rs.10,000/- (Rupees Ten Thousand only) each, one of whom must be local, to the satisfaction of the learned CJM, Kolkata.

If on bail, the petitioner will deposit his passport before the learned CJM, Kolkata and shall not enter the

jurisdiction of Park Street Police Station as also the Karaya Police Station without prior permission of the learned CJM, Kolkata. The petitioner is directed to enter the jurisdiction of Park Street Police Station only for the purposes of attending the investigating officer of the case and he shall meet with the investigating officer of the case twice a week till further order.

Accordingly, CRM(M) 2501 of 2025 is **allowed**.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

**(Tirthankar Ghosh, J.)**