

07.12.2020
tkm/ct 28
sl no. 70

**C.R.M. 9859 of 2020
(via video conference)**

Allowed

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kalyani P.S case 341 of 2020 dated 4.11.2020 under sections 306/34 of the IPC

and

In Re : Adorn Edwin Miller @ Aduin Miller @ Dony

..... petitioner

Mr. S Das

..... for the petitioner

Mr. S Bapuli

Ms. S Santra

..... for the State

It is submitted on behalf of the petitioner that the victim committed suicide out of depression. He did not abet such suicide.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the petitioner had an illegal affair with the wife of the deceased.

We have considered the materials on record. Victim did not leave behind any suicide note implicating the petitioner. Whether act of the petitioner would constitute abetment of suicide or not may be assessed at the appropriate stage of the proceeding.

In view of the aforesaid fact, we are of the opinion though custodial interrogation of the petitioner may not be necessary, he requires to co-operate with investigation in accordance with law.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973

and on further condition that while on bail petitioner shall meet the investigating officer once in a week until further orders.

The application being CRM 9859 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)