

**CRM 6537 of 2020  
with  
IA No. CRAN 1 of 2020  
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burtolla P.S. Case No.59 of 2020 dated 09.03.2020 under Sections 324/114/304 of the Indian Penal Code.

And

In the matter of: **Abhishek Gupta @ Sonu**

....Petitioner

Mr. Gaganjyot Singh

... For the Petitioner

Mr. Aniket Mitra

... For the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that a mere accident led to the death of the victim and the petitioner remains detained for more than six months.

According to the State, the victim was in an inebriated state and picked up a quarrel with several persons including the petitioner herein. The State also relies on statements rendered by witnesses. It appears that the petitioner herein, in a bid to extricate himself, pushed the victim away whereupon the victim lost his balance and fell down. Unfortunately, the victim hit some exposed tiles on his fall and suffered a fatal injury on his neck.

Considering the material, it does not appear that the petitioner had intended to maim or kill the victim. On the basis of the material available, there is no need to detain the petitioner any further.

The petitioner will be enlarged on bail upon furnishing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the appropriate court in Kolkata.

The petitioner must attend every date fixed for trial and any unexplained absence will entitle the trial court to cancel the bail without reference to this Court.

CRM 6537 of 2020 and the interim application therein are disposed of.

**(Sanjib Banerjee, J.)**

**(Aniruddha Roy, J.)**