

The case of the prosecution is that at about 10-11 a.m., on the morning of 05.01.2023, the appellant who is a doctor working in a Government hospital, in an inebriated state while driving his car bearing No.RJ07CD5020 caused an accident at the hospital where he was working, wherein the car rammed into the general public patients standing there resulting in on the spot death of one Bhanwar Lal and miscarriage of a pregnant woman namely Smt. Nazia Bano.

Learned counsel for the appellant submitted that the appellant has been falsely implicated in the present case. Learned counsel submitted that alleged offence under Section 304 I.P.C. is not made out against the appellant and at most it is a case of Section 304A I.P.C. learned counsel submitted that the alleged incident took place when the appellant was driving the offending car who on entering the hospital suddenly lost control while the car was going through a speed breaker.

It was submitted that due to rush and congestion near the hospital gate unfortunately the car had plowed into the persons standing there. Lastly, learned counsel submitted that the appellant who is serving as a doctor in a Government hospital is now near the age of retirement. Learned counsel submitted that since investigation in the matter has already been completed challan has already been filed and no recovery is due to be made from the appellant no fruitful purpose would be served by keeping the appellant behind the bars.

He thus implored the Court to accept the bail application and enlarge the petitioner on bail. Per contra, Learned Public Prosecutor and learned counsel for the complainant vehemently opposed the bail application. Learned counsel invited attention of the court towards the report of Medical Jurist, Government Hospital, Nacgaur pertaining to alcohol consumption by the appellant and submitted that in the aforesaid report, it had been clearly opined that the appellant had consumed liquor. Learned counsel submitted that on the face of the report, the argument put forth that the appellant lost control over the car due to rush and congestion near the hospital gate deserves to be rejected.

Learned counsel vehemently submitted that in the incident which took place on 05.01.2023, not only one person lost his life and a lady suffered miscarriage but 4-5 other persons standing near the hospital gate were also injured. To substantiate this argument, learned counsel took the Court to the charge sheet submitted by the investigating agency on 04.03.2023. He thus implored the Court not to grant indulgence of bail to the petitioner. Heard learned counsel for the appellant, Learned Public Prosecutor and learned counsel for the complainant.

Every day drunken driving results in accidents and several human lives are lost, pedestrians in many of our cities are not safe. Late night parties among urban elite have now become a way of life followed by drunken driving alcohol consumption.