

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MAIN CASE: CRL.P.No.15270 of 2024

PROCEEDING SHEET

| Sl. No. | DATE | ORDER | OFFICE NOTE |
|----------------|-------------|--|--------------------|
| | 13.12.2024 | <p><u>JS, J</u></p> <p><u>I.A.No.1 of 2024</u></p> <p>This Interlocutory Application has been filed by petitioner-accused No.11 seeking stay of all further proceedings in F.I.R.No.376 of 2024 dated 05.12.2024 on the file of the Station House Officer, Chikkadpally Police Station, Hyderabad District registered for the offences under Sections 105, 118(1) read with 3(5) of BNS.</p> <p>Heard Sri S. Niranjan Reddy, learned Senior Counsel on behalf of Sri G. Ashok Reddy, learned counsel for petitioner as well as Sri Palle Nageswar Rao, learned Public Prosecutor for the State-respondent No.1 and perused the record.</p> <p>Learned Senior Counsel appearing for the petitioner submitted the petitioner is a distinguished actor in Indian Film Industry renowned for his exemplary contributions to the Telugu Cinema. The release of film</p> | |

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| | <p>'Pushpa2' became highly anticipated in the Indian Film Industry in view of stupendous success of film 'Pushpa' in the year 2021. When the petitioner attended the screening of 'Pushpa2' at Sandhya 70 MM Theatre, with prior intimation for providing security to the theatre management and the Assistant Commissioner of Police, Chikkadpally on 02.12.2024 to prevent any untoward incident, but due to tragically uncontrollable surge of crowd led to the unfortunate incident of demise of wife of respondent No.2 and injuries to his child. It is alleged that the wife and son of respondent No.2 who were seated in the lower balcony of theatre hall, experienced severe difficulty in breathing due to the overcrowding and suffocation caused by the commotion.</p> <p>It is further submitted the incident occurred due to failure of arrangement of proper security measures by Sandhya Theatre management and staff and because of insufficient Police officials deployed to control the large gathering of people in the theatre premises. Therefore, attributing criminal liability to the petitioner on account of his presence at the location, is an abuse of</p> | |
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process of law. There is no mens rea on the part of the petitioner in commission of the alleged offences and the allegations levelled against the petitioner does not constitute the alleged offences. The allegations against the petitioner do not attract the alleged offences.

It is further submitted by learned Senior Counsel that during the pendency of the criminal petition, the petitioner has been arrested today and he produced remand case diary and prayed for interim bail pending criminal petition. He placed relied on a decision of the Honourable Supreme Court in ***Arnab Manoranjan Goswami v. State of Maharashtra and others***¹.

In ***Arnab Manoranjan Goswami's case*** the Honourable Supreme Court of India held as follows:

“68..... However, there was a failure of the High Court to discharge its adjudicatory function at two levels – first in PART J declining to evaluate prima facie at the interim stage in a petition for quashing the FIR as to whether an arguable case has been made out, and secondly, in declining interim bail, as a consequence of its

¹ (2021) 2 Supreme Court of Cases 427

failure to render a prima facie opinion on the first. The High Court did have the power to protect the citizen by an interim order in a petition invoking Article 226. Where the High Court has failed to do so, this Court would be abdicating its role and functions as a constitutional court if it refuses to interfere, despite the parameters for such interference being met. The doors of this Court cannot be closed to a citizen who is able to establish prima facie that the instrumentality of the State is being weaponized for using the force of criminal law. Our courts must ensure that they continue to remain the first line of defense against the deprivation of the liberty of citizens. Deprivation of liberty even for a single day is one day too many. We must always be mindful of the deeper systemic implications of our decisions.

72....Every court in our country would do well to remember Lord Denning's powerful invocation in the first Hamlyn Lecture, titled 'Freedom under the Law' 43:

—Whenever one of the judges takes seat, there is one application which by long tradition has priority over all others. The counsel has but to say, 'My Lord, I have an application which concerns the liberty of the subject', and forthwith the judge will put all other matters aside and hear it.

It is our earnest hope that our courts will exhibit acute awareness to the need to expand the footprint of liberty and use our approach as a decision-making yardstick for future cases involving the grant of bail.”

On the other hand, learned Public Prosecutor for the State submitted that there are serious allegations levelled against the petitioner and he is not entitled for any relief as sought for. The petitioner without obtaining prior permission from Police and knowing well proceeded to Sandhya 70 MM Theatre to watch the premiere show of 'Pushpa2' leading to an untoward incident causing the death of wife and causing injuries to son of respondent No.2. Therefore, he is liable for criminal prosecution for the alleged offences. It is further submitted that no interim bail can be granted in a petition filed seeking quashment of proceedings under Section 528 of the Bharatiya Nagarik Suraksha Sanhita. With the above submissions, he prayed not to grant interim bail to the petitioner.

A perusal of the remand case diary and record, it is apparent that Sandhya 70 M.M.

management addressed a Letter dated 02.12.2024 to the Assistant Commissioner of Police, Chikkadpally Police Station and sought permission to provide security measures at Sandhya 70 MM Theatre in view of arrival of movie team which includes Hero, Heroin and other actors and makers of the film. On the said letter, the Assistant Commissioner of Police has affixed their seal and endorsement. The film production unit addressed a Letter dated 04.12.2024 and sought permission to screening of premiere show with all safety precautions.

Therefore, in the said facts and circumstances of the case and in view of the settled principle of law laid down by the Honourable Supreme Court of India, this Court is of the considered view that it is a fit case for grant of **interim bail** for a period of **four weeks** subject to the following conditions:

- i. The petitioner-accused No.11 shall be released on interim bail, subject to executing a personal bond in the amount of Rs.50,000/- to be executed before the concerned Jail**

Superintendent.

- ii. However, the investigating officer is directed to proceed with investigation.**
- iii. The petitioner-accused No.11 shall cooperate with the investigation and he shall not make any attempt to interfere with the ongoing investigation or with the witnesses, in any manner.**
- iv. The concerned Jail Superintendent and concerned Commissioner of Police are directed to ensure that this Order is complied forthwith.**
- v. Registry is directed to communicate this Order to the concerned Jail Superintendent and concerned Commissioner of Police.**

JS,J

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Issue notice to respondent No.2.

Learned counsel for the petitioner is permitted to take out personal notice to respondent No.2 by registered post with acknowledgment due and file proof of service in the Registry by the next date of hearing.

List on 21.01.2025.

JS,J

Note:
Issue CC forthwith.
B/o. KHRM