

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION NO.15992 AND 15994 OF 2024

COMMON ORDER :

These criminal petitions are filed by the petitioner/A.13 in CrI.P.No.15992 of 2024 and petitioner Nos.1 and 2/A.14 and 15 in CrI.P.No.15994 of 2024 seeking anticipatory bail in connection with Cr.No.376 of 2024 of Chikkadpally Police Station, Hyderabad. The offences alleged against the petitioners are under Sections 105, 118 (1) r/w.Section 3 (5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The facts of the case are that on 05.12.2024, the defacto-complainant gave a complaint stating that on 04.12.2024, he along with his wife and children went to watch the Premier Show of Pushpa-2 in Sandhya Theatre, RTC X roads and by the time they reached the theatre it was fully crowded and at about 9.40 p.m., the Star Hero Allu Arjun came to the said Theatre and his personal securities pushed the crowd due to which his wife Revathi and son Sri Tej who were at lower Balcony Hall fell down and due to suffocation they fell unconscious. However, with the help of police, both of them were taken to Durgabai

Deshmukh Hospital, where the Doctors declared Revathi as dead and his son was shifted to KIMS Hospital, Begumpet for better treatment. It is further stated that due to insufficient arrangements more people were allowed inside the Theatre which caused the death of Revathi. Hence, requested to take action against the Management of Sandhya 70 MM theatre, Hero Allu Arjun along with his personal security. Basing on the said complaint the police registered case for the above offences.

3. Heard Sri N. Naveen Kumar, learned counsel for the petitioners in both the criminal petitions and Sri Palle Nageswara Rao, learned Public Prosecutor appearing for the respondent-State.

4. The contention of learned counsel for the petitioners is that petitioners were not initially arrayed as accused in the FIR, but later they were added as accused Nos. 13, 14 and 15 respectively in the remand report dated 8.12.2024. The petitioners herein are the Manager and personal security guards of Allu Arjun. The police authorities arrested several accused, including Allu Arjun (A.11), produced them before the trial court and they were sent to the judicial custody. He further contended

that interim bail orders were passed in favor of A. 1, 2, 4, 5, 6, 7, 8, A.11 and A.3, 9, 10, 12, 16 and 17 were granted bail.

5. Learned counsel further contended that the anticipatory bail applications filed by the petitioners were dismissed by the trial court on 20.12.2024 vide CrI.M.P.Nos.5727 and 5728 of 2024 stating there are specific allegations against A.12 to A.16. That the allegations against the petitioners are vague and omnibus and they are falsely implicated in this case, the incident occurred when a crowd surged forward to see actor Allu Arjun, resulting in the death of a woman, the petitioners, who are the Manager and personal security guards of Allu Arjun, were present at the event but did not play any role in the incident. In support of his contention learned counsel relied on the judgment of Apex Court in **Arnesh Kumar Vs. State of Bihar**¹, which states that anticipatory bail should be granted in cases where the allegations are not serious and the accused are not likely to abscond. Hence prayed to grant anticipatory bail to the petitioners.

¹(2014) 8 SCC 273

6. On the other hand, learned Public Prosecutor filed counter stating that the request of the Management of Sandhya Theatre for arranging bandobust on 04.12.2024 and 05.12.2024, at Sandhya 70 MM Theatre, due to the visit of Hero, Heroine and the production unit was rejected and even after the Inspector of Police, Chikkadpally, requested the management not to allow Hero, Heroine, VIPs, and the production unit for their visit, A.11 along with his wife and children, A.13, Bodyguards and others came to the theatre and A.11 started road show at RTC Cross roads at Metro Station and even after requesting not to give road show, A.11 including A.13 intentionally started road show by raising his hand and went to the upper balcony resulting in huge stampede due to which the wife and son of complainant fell unconscious and when they were taken to hospital, the wife of complainant was declared dead and son was shifted to KIMS Hospital. Hence, the petitioners herein and other accused are responsible for the death of wife of complainant and hospitalization of his son. Hence, prayed this Court to dismiss these bail petitions.

7. Having regard to the submissions made by both the learned counsel and the material placed on record, the learned

Public Prosecutor mainly opposed bail on the ground that these petitioners have not allowed to meet A.11 after the incident. The bouncers of A.11 and 35 to 40 members pushed the public who came to watch the movie by buying tickets and due to the said pushing by the bouncers of A.11 including A.13 there was a huge stampede, whereas the complaint averments shows that the main allegation itself is due to the negligence of the owners of Sandhya theatre and A.11 even after denying permission to watch the movie at that time, A.11 came to theatre and have not taken proper care and caution knowingly that it may lead to stampede and these petitioners are not directly responsible for the said stampede. Even according to prosecution case, petitioners have not taken proper care and caution. Furthermore the other accused are already released on bail and material part of investigation is completed. Considering the same, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :

- 1) The petitioner/Accused No.13 in CrI.P.No.15992 of 2024 and petitioners/A.14 and 15 in CrI.P.No.15994 of 2024 are directed to surrender before the Station House Officer, Chikkadpally Police Station, Hyderabad within two weeks from today, and on such surrender, the said Station House Officer shall

release the petitioners in both the criminal petitions on pre- arrest bail on executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to his satisfaction.

- ii. The petitioners in both the criminal petitions shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation till filing of charge sheet, and thereafter, as and when required.
 - iii. The petitioners in both the criminal petitions shall abide by the other conditions stipulated in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and shall co-operate with the Investigating Officer in investigating the case.
8. Accordingly, both the Criminal Petitions are allowed.
- Miscellaneous applications, if any pending, shall stand closed.

Date :09.01.2025
Rds

K. SUJANA, J

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