NC: 2026:KHC:22810
CRL.P No. 3463 of 2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL PETITION NO. 3463 OF 2025

BETWEEN:

SMT. LAVANYA
W/O. KALEGOWDA,
AGED ABOUT 37 YEARS,
R/A. NO.60, IA CROSS,
HOSKEREHALLI, BSK III STAGE,
BENGALURU - 560 085

…PETITIONER

(BY SRI. SHAHSNAK K.S, ADVOCATE FOR
SRI. SWAROOP S, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY HANUMANTHANAGARA POLICE STATION,
BENGALURU - 560085

2. KALEGOWDA.S
S/O LATE SHIVANNE GOWDA,
AGED ABOUT 45 YEARS
R/A NO.32, I FLOOR,
HOSAKERE MAIN ROAD,
NEAR SHIVAKUMAR SCHOOL,
HOSAKEREHALLI, BSK III STAGE,
BENGALURU - 560 085.

…RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP)

Digitally signed by SHARADAVANI B
Location: High Court of Karnataka

THIS CRL.P IS FILED U/S 439(2) OF CR.PC (FILED U/S 483(3) OF BNSS) PRAYING TO ALLOW THIS PETITION AND CANCEL THE ORDER OF BAIL DATED 10.12.2024 PASSED IN CRL.P. NO.12953/2024 PASSED BY THIS HONBLE COURT AND DIRECT THE RESPONDENT NO.2 TO BE KEPT UNDER JUDICIAL CUSTODY IN SC.NO.54/2024 PENDING BEFORE XLV ADDL. CITY CIVIL AND SESSIONS JUDGE AT BENGALURU.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard learned counsel for the petitioner.

2. Though the matter is listed for taking steps to serve notice to respondent no.2, taking note of the scope of the petition filed under Section 439(2) of the Code of Criminal Procedure (Cr.P.C) this Court heard the matter on merits.

3. Facts in the nutshell which are utmost necessary for the disposal of the present petition are as under:

Respondent No. 2-Kale Gowda, who approached this Court for grant of bail, was accused in S.C.No.53/2024 pending on the file of the XLV Additional City Civil and Sessions Judge,

Bangalore, arising out of Crime No.263/2023 registered by the Hanumanth Nagar Police Station for the offences punishable under Sections 307, 504, 506 of Indian Penal Code (IPC).

4. The bail application was opposed by the State by filing detailed objections.

5. A Co-ordinate bench of this Court in Criminal Petition No.12953/2024 by considered order, allowed the bail petition and directed the petitioner to execute a bond in a sum of Rs.1,00,000/- and such other conditions as are under:

> "a) Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
>
> b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
>
> c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
>
> d) The petitioner shall not involve in similar offences in future;
>
> e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off;

f) He shall not try to contact his wife and children and he shall not visit their house situated within the jurisdiction of Hosakerehalli police station or the condiments shop of his wife situated within the jurisdiction of Hanumanthanagar police station;

g) He shall mark his attendance on every alternative Sunday between 10:00 am and 01:00 pm, before the station house officer of Hanumanthanagar police station, Bengaluru till the case registered against him is disposed of."

6. The said order is now sought to be cancelled by filing the present petition on the following grounds:

Sri.Shashank K.C., learned counsel for Sri.Swaroop S., learned counsel for the petitioner, reiterating the grounds added in the petition would contain that there is a violation of condition by respondent No.2. Therefore, bail is to be cancelled.

7. To substantiate that there is a violation of the condition, no other material is placed on record except the photographs. Admittedly, photographs that are placed before the Court are earlier to the grant of bail, and taking note of the injuries on the hand and the thumb, the Co-ordinate bench of this Court exercised its discretion in admitting the petitioner on bail.

8. The Court also noted the fact that the injured in the incident is the wife of respondent No.2, who has now approached for cancellation of bail. The Court also noted that all the injuries sustained by the wife are simple in nature and therefore, *per se,* an offense under Section 307 of the IPC would not be attracted.

9. The matrimonial dispute is pending between the parties, and the parties are pursuing the same with all seriousness. The grounds urged in the petition that respondent No.2 was directed that he should not visit the petitioner or her children and he should not visit the shop or the residence where the petitioner is residing. But now, there is an allegation that the said condition is violated.

9. On 04.02.2025 at about 06.13 p.m. wherein respondent No.2 said to have visited the shop in a drunken condition where the petitioner's wife was carrying on the business and gave open threats. It is also contented that respondent No.2 threatened her to kill. The said allegation is not supported by any material on record.

10. Taking note of these aspects of the matter and the bail petition, the present petition is pending on and from 28.02.2025 and no proper steps have been taken to serve respondent No.2, This Court is of the considered opinion that there are no grounds made out seeking the cancellation of bail.

Accordingly, the following:

ORDER

The petition is ***dismissed***.

Sd/-
(V SRISHANANDA)
JUDGE

GJM
List No.: 1 Sl No.: 1