HC-KAR

NC: 2026:KHC:59699
CRL.P No. 6780 of 2021

CNR: KAHC010318162021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.6780 OF 2021

BETWEEN:

SMT. MYTHRI A K @ MYTHRI GOWDA
W/O SURENDRA GOWDA
AGED ABOUT 39 YEARS
R/AT SAPTHAGIRI ENGINEERING COLLEGE
SHETTOIHALLI ROAD
BANGALORE 560057

…PETITIONER

(BY SRI. NITIN A M, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY PUBLIC PROSECUTOR
BY TOWN POLICE STATION
CHICKAMAGALURU
CHICKAMAGALURU-577134

2. SRI N GOWRISHANKAR
AGED ABOUT 41 YEARS
NO.365, SPANDANA NILAYA
BESIDE RURAL POLICE STATION
C.D.A LAYOUT, KALYAN NAGAR
CHIKKAMAGALURU-57710

…RESPONDENTS

(BY SRI SUHAS GOWDA M, HCGP FOR R1;
SRI SAGAR A SHETTY, ADVOCATE FOR R2)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010318162021

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO ALLOW THIS PETITION BY SETTING ASIDE THE ORDER PASSED BY THE PRINCIPAL SENIOR CIVIL JUDGE AND CJM, CHIKKAMAGALURU IN CR.NO.175/2018 DATED 16.01.2021 THAT IS ANNEXURE-A AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel appearing for the respective parties.

2. This petition is filed under Section 482 of Cr.P.C praying this Court to set aside the order passed by the Trial Court allowing the application filed under Section 437(5) of Cr.P.C wherein the Trial Court cancelled the bail granted to accused No.1 on the ground that the accused No.1 violated the bail conditions as well as for violation of order of the court.

3. The Trial Court while passing such an order in paragraph 12 held that while passing an order of granting of bail, direction was given to the petitioner that she shall appear before the IO or Court whenever directed to do so. But accused No.1 failed to appear before the trial court. Hence, an

application is filed under Section 437(5) of Cr.P.C. Even after filing that application also, this petitioner did not choose to appear before the trial Court when the matter was heard for cancellation of bail application. Trial Court taken note that on 18.12.2020, accused No.1 was absent and filed an application along with copies of medical documents to show that one Mr. Surendran is admitted to the hospital. Taking note of the same, the trial Court allowed the said application and directed to appear personally before the court on 08.01.2021. On that day also, the petitioner again did not choose to appear before the trial Court but exemption application was filed and the same was rejected by the Trial Court and posted the matter to pass an order on the application filed under Section 437(5) of Cr.P.C. the order was passed on 16.01.2021 on the said application wherein taken note that accused Nos. 1 and 2 when they were produced before the trial Court, they were remanded to judicial custody. Subsequently, on 29.08.2018, they were granted bail with conditions and same was observed in paragraph 8 of the order. The Trial Court taken note of the second condition that accused shall not tamper with

prosecution witnesses and shall not commit any offences and also appear before the court whenever court directs. The trial court while passing the order of cancellation of bail also, in paragraph 12, an observation is made that after hearing the arguments on the application on 11.12.2020 court has directed accused No.1 personally appear before the court for enquiry and case was posted to 18.12.2020. But on 18.12.2020, petitioner did not appear inspite of direction but produced the documents to show that her husband is admitted to Gayathri Diagnostic and Health Services, Bengaluru and same was taken note of by the Trial Court and again directed to appear on 08.01.2021. While passing said order also, the trial court taken note that Senior APP has submitted that documents produced along with exemption application dated 18.12.2020 are also false documents in view of the complaint filed by this accused No.1 before the Police Inspector, Bangalore Police Station dated 30.03.2018. On going through this copy of the complaint it reveals that prior to 2018, this accused No. 1 had divorced her husband. But in the year 2020, she is stating that her husband met with an accident and she is attending him. Even after

sufficient opportunity is granted, she has violated the order of the court and not ready to appear before the court. Hence, court comes to the conclusion that there are sufficient grounds to cancel the bail and passed the impugned order.

4. The said order is challenged before the Revisional Court in Crl.R.P.No.10/2021 and Revisional Court also taken note of the reasoning given by the trial Court while allowing the application and cancelling the bail in paragraph 13 and also taken note that the trial Court has cancelled the bail granted to accused No.1 by holding that the accused No.1 is giving life threat to the complainant and forcing him to settle the matter through compromise and also observed that even after sufficient opportunity, the petitioner has not appeared before the Court. In paragraph 14, it is observed with regard to Facebook chats which has been produced by the prosecution causing the threat and having considered the same, the Revisional Court also held that when the direction is given for not to tamper the prosecution witnesses and to appear before the Court, the petitioner has not done the same and the same

is also taken note of in paragraph 16 of the order and confirmed the order of the trial court.

5. Now the counsel appearing for the petitioner would vehemently contend before this Court that both the courts have committed an error in cancelling the bail. The contention of the counsel appearing for the petitioner that the reasoning given by the trial court that Facebook account from which the message has been sent to the respondent No.2 in this case has not been sent from the account of the petitioner. The account of the petitioner is named as Mythri Gowda and is linked on Facebook to www.facebook.com/mythri.gowda.1422 and the account from which message has been sent to the defacto complainant is linked to www.facebook.com/sanvigowdasanvi.gowda.52. The petitioner is using the first account and not the second one. The copy of both the Facebook accounts screen shots have been produced as Annexure-C and D respectively. Hence it is contended that the message which has been sent is not belongs to the defacto complainant. The counsel also vehemently contend that the petitioner could not have been present in the court on the day the petitioner was directed to be present for

the reason that her ex-husband Mr. Surendran was injured and she remained in the hospital to take care of Mr. Surendran. The copy of the police intimation of Medicolegal Case registered is hereby produced which clearly indicate that the name of the petitioner and copy of the MLC intimation and the attendant card are produced as Annexure-E1 and E2.

6. The counsel also vehemently contend that the petitioner that upon knowing the fact that somebody else has sent a message from an account having the name of the petitioner the petitioner has also filed a police complaint dated 26.07.2021 and an acknowledgment has been issued by the Station House Officer, CEN Crime Police Station, North Division, Bangalore City. The copy of the acknowledgement is also produced as Annexure-F. The Counsel also vehemently contend that non appearance before the court on the said date as directed by the trial court was bonafide and not in order to delay the proceedings of the court or with any other ill-intention. The counsel would vehemently contend that petitioner is innocent of the allegations made against her and upon knowing the facts which has been the reason for which

her bail is now been cancelled and her valuable right has been taken out by passing such an order. Hence, counsel would contend that this court has to pass an order setting aside the order of the trial court as well as the revisional court order.

7. Per contra, the counsel appearing for respondent No.2/ complainant would vehemently contend that the order passed in favour of the petitioner is a conditional order and the same was not complied with. Hence, prosecution has filed an application for cancellation of bail. The counsel brought to notice of this court that even after filing of an application for cancellation of bail, this petitioner did not choose to appear before the court. The counsel also would contend that even the trial Court has directed to appear before the court on particular date and on that date also the petitioner did not choose to appear and violated the conditions of the bail order. Counsel also would contend that when the specific direction was given to appear before the court on 18.12.2020, an exemption application is filed along with the false document and the same is also observed by the trial court in paragraph 12 that the said document is in respect of her ex-husband and there was

already a divorce in the year 2018. But document of the year 2020 is produced. The counsel also vehemently contend that even exemption was given on that day and specific direction was given to appear on 08.01.2021, on that day also, did not choose to appear and again exemption application was filed and the same was rejected and posted the matter to pass an order. Both the trial court as well as the revisional court taken note of very conduct of the petitioner and even caused a threat to the complainant to compromise in the matter and withdraw the case and the same was also taken note of both the courts. When such being the case, there cannot be any order of setting aside of said the order.

8. The counsel appearing for the respondent/complainant also brought to notice of this court that in C.C.No.2192/2020, the petitioner was examined as PW1 and she was subjected to cross examination. Though counsel appearing for the petitioner denies that no such message was sent to the complainant but in the cross examination of PW1 dated 22.02.2024 she has categorically admitted that her bail was cancelled and she admits that she is also called as Mythri

Gowda and Sanvi Gowda and she is having two names and her father name is Krishne Gowda and resident of Mudigere. In the further cross examination, she categorically admitted that in order to withdraw the complaint against the accused i.e., in counter case, she has threatened and hence, her bail was cancelled. This admission though denies, the message is clear that she gave a threat to the complainant. All these factors were taken note of by the Trial Court as well as the Revisional Cour. Hence, no ground is made out to set aside the order.

9. Having heard the counsel appearing for the petitioner and also the counsel appearing for the respondent/complainant and also having considered the reasons given by the trial Court while passing an order while cancelling the bail taking note of the conditions imposed while granting the bail, it has to be noted that earlier this petitioner was in jail and she was enlarged on bail subsequently with a conditions to appear before the IO and also appear before the court whenever court directs. But in the case on hand, when the petitioner did not choose to appear before the trial court, an application was filed for cancellation of bail and the same

was resisted by filing a statement of objections. Even matter was heard and before considering that application also, the trial court directed the petitioner to appear before the court on specific date i.e., 18.12.2020, but the petitioner fails to appear before the trial Court and made an application for exemption and the same was also considered when the document was filed along with the exemption application. The trial Court taken lenient view while allowing the exemption application. However, directed the petitioner that she shall appear on the next date of hearing i.e., on 08.01.2021. On that day also, this petitioner did not choose to appear before the court inspite of specific direction was given in the previous date. On the specific date also, an exemption application was filed and the same was rejected. The counsel appearing for the petitioner would submit that the trial Court ought to have given the reason while rejecting the application and the said submission of the counsel for the petitioner cannot be accepted for the reason that when the specific direction was given to the petitioner to appear before the court, not only on that day and even on the previous date also, the petitioner did not choose to obey the order of the

court and court also expect the reciprocate when the order was passed by the trial court to appear before the court, but the petitioner did not choose to obey the order of the court.

10. The counsel appearing for the State pointed out that earlier document produced along with exemption application pertaining to her ex-husband but she was divorced in the year 2018 itself and the same is also not disputed but date was fixed for appearance on 18.12.2020 but did not choose to appear and when the date is given once again to appear before the court before passing an order and considering an application of cancellation of bail and this petitioner did not choose to appear before the court and continuously shown the adamant nature before the trial court without complying the directions of the court. When such being the case, not only the conditions of bail is violated and even a threat was caused to the complainant and the same was also brought to the notice of the court by the prosecution. Though counsel appearing for the petitioner contend that the said message was not sent by her mobile and Facebook. But counsel appearing for the respondent brought to notice of this Court

that the same is sent in the name of Sanvi Gowda though it is not in the Mythri Gowda. But in the cross examination in other case, she admits that she is also called as both Sanvi Gowda and the Mythri Gowda. Thus, there is a clear admission that she is called in two names. That is a matter of trial even if that is denied before the Court. But prima facie it clearly discloses that the admission is clear that she is called by both the names i.e., Sanvi Gowda as well as Mythri Gowda. When threat was caused to the complainant, that amounts to even violation of the conditions of the bail order. When such being the case, both the factors were taken note of by the Trial Court as well as the Revisional Court. No doubt, no such separate complaint was given by the complainant having caused the threat. But, the Court has to take note of the conduct of the accused. When the discretion is exercised in favour of the petitioner while granting the bail imposing the conditions, the said conditions are not obeyed and even the directions of the court is not complied before passing the order of cancellation of bail. The petitioner either choose to appear before the court or comply with the order. If such appearance is made before the trial court before

passing such an order, the result would have been different. Inspite of that, not obeyed the order of the Trial Court and reasons assigned also that it is nothing but a falsification and given the document in respect of the ex-husband and she was divorced in 2018. The counsel appearing for the petitioner would submit that even there was a divorce, there was no bar to have good relationship with the ex-husband. No doubt, there is a force in the contention of the counsel appearing for the petitioner that she can maintain cordiality with the ex-husband. But when the direction was given by the trial court to appear on the particular date of hearing, instead of appearing, once again filed an exemption application and even not ready to obey the order of the Court. When such being the case, question of exercising the discretion and showing any lenience in favour of the petitioner does not arise. When the discretion is exercised by the trial Court when she was sent to the custody and enlarged her on bail within 2 days, ought to have taken note of the same and respected the order of the Court. But the same was not obeyed. When such material is available on record, it clearly prima facie discloses that the petitioner is not having

any respect to the orders of the Court. When such being the case, exercising the power under Section 482 of Cr.P.C to set aside the order does not arise. The petitioner has not made out any grounds to set aside the order of the trial Court in cancellation of bail order and confirmation made by the Revisional Court since both the Courts have taken note of material on record and passed the reasoned order. Hence, it does not requires any interference.

11. In view of the discussions made above, I pass the following:

ORDER

The petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

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