

Case called. Accused present. Counsel for accused files bail application Under Section 478 of BNSS Act., and prays for release the accused on bail.

Perused record it is noticed that the complainant has filed complaint alleged that, the accused has committed Offence Punishable U/s 138 NI Act.

The offence punishable under Section 138 of NI Act is bailable in nature. Accordingly, accused is released on bail subject to the condition that, he shall execute personal bond of Rs.10,000/-.

The accused prays time to furnish surety. Hence, accused is released on personal bond.

Substance of accusation stated to the accused and he asked the questions stated in the judgment of the Hon'ble Apex Court in the case of **SANJABIJ TARI V/s KISHORE S. BORCAR AND ANOTHER (CRIMINAL APPEAL No. 1755/2010)** and recorded response to the questions in the form substance of accusation and he asked whether he pleads guilty or has any defence to make.

However, the accused admitted that the cheque belongs to his account and signature belongs to him and further stated that, the cheque has been issued to the complainant. Further he has

pleads not guilty and submits he has defense to make.

The sworn statement of the complainant filed by him during per-summoning stage is considered as the evidence of the complainant as per the decision of the Hon'ble Supreme Court rendered in the case of **Indian Bank Association and others versus Union of India and others** (2014) 5 SCC 590 and also as per the observations made by our Hon'ble High Court in the case of M/s. Mesh Trans Gears Private Limited versus Dr. R.Parvathreddy ILR 2014 KAR 5237. Though, there is no stage and necessity to mark the documents.

The cheque bearing No.223620 date 22.10.2024 for Rs.4,62,000/- drawn on Navanagar Urban Co-operative Bank Ltd, K.R.Nagar branch is marked as Ex.P-1, signature of the accused is marked as Ex.P-1(a).

Two Bank endorsements are marked as Ex.P-2 and & 3, Two Legal notice are marked as Ex.P-4 & 5, Five postal receipts are marked as Ex.P-6 to 10 and One postal endorsement is marked as Ex.P-11.

Office is directed to take self Bond from accused.

In view of granting bail, NBW issued against accused is recalled.

Accused has not filed application U/Sec.145(2) of N.I.Act seeking permission for cross examination of PW-1. Hence, case posted for defense evidence.

For furnishing surety and defense evidence, call on 23.12.2025.

Sr. Civil Judge and JMFC.,  
K.R.Nagar.