

CC 45/23

09/12/2024

Case called. Accused produced from JC through video conference.

Sri MMK Advocate for accused files vakalath, bail application U/s 436 of Cr.P.C and prays for release the accused on bail.

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/- along with one surety for the like sum and shall appear before this court on all hearing dates.

The accused files application U/s 445 of Cr.P.C and seeking permission to depositing the cash surety for enlarging bail. Hence, the accused permitted to deposit sum of Rs.**5000/-** as cash surety.

**Office is directed to take Bond from accused.**

Substance of accusation stated to the accused through VC and he asked whether he pleads guilty or has any defence to make. However, the accused 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.884607 dated 26.12.2022 for Rs.25,00,000/- drawn on Karnataka Bank,

Bengaluru branch and cheque bearing No.884607 dated 26.12.2022 for Rs.25,00,000/- drawn on State Bank of India, K.R.Nagar branch is marked as Ex.P-2, sign of accused as Ex.P-2(a), Two Bank endorsements are marked as Ex.P-3 and 4, Legal notice is marked as Ex.P-5, one postal receipt is marked as Ex.P-6, one unserved postal cover is marked as Ex.P-7 and account statement is marked as Ex.P-8 for the purpose of identification and also to enable the accused to know about the documents relied by the complaint.

Statement of the accused is recorded U/s 313 of Cr.P.C. Accused has chosen to lead his evidence.

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

For defense evidence by 23.12.2024.

Sr CJ and JMFC.,  
K.R.Nagar.