

Accused by Name Sri. Ramesh S/o Late. Krishnegowda, Aged about 36 years, R/at. No.02/2018 Cheernahalli Village, Vinayaka Nagar, K.R.Nagar Town, Mysuru is produced before the Court through PC No.04 of K.R.Nagar, P.S. under non bailable warrant at about 1.35 P.M.

On enquiry the accused submits he has arrested at 11.00 A.M today. Further, he submits that, the police have not given any illegal treatment during his custody.

Sri.BKN, Advocate seeking permission to obtain signature from the accused on the vakalath. According Permission is granted.

Sri.BKN., Advocate files vakalath for accused along with bail application U/s 436 of Cr.PC Act prays for release the accused on bail.

Perused private complaint it appears that, the complainant has filed this complaint alleging that, the accused committed an offence punishable U/s 138 of 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 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.5,000/-** as cash surety.

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 the cheque belongs to his account and signature belongs to his and further stated that, the cheque has not 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.798071 date 10.03.2017 for Rs.1,25,000/- drawn on State Bank of India, K.R.Nagar branch is marked as Ex.P-1, sign of accused as Ex.P-1(a), Bank endorsement is marked as Ex.P-2, Legal notice is marked as Ex.P-3, One postal receipt is marked as Ex.P-4 and One unserved postal cover is marked as Ex.P-5 for the purpose of identification and also to enable the accused to know about the documents relied by the complaint.

Office is directed to take Bond from accused.

In view of granting bail, NBW issued against the accused is hereby recalled and subject to payment on penalty of Rs.1,000/-.

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, call on 27.01.2026.

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