

Case put up at request of accused counsel.

Accused present. Counsel for accused files application Under Section 436 of Cr.PC, 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 files application U/s 445 of Cr.PC 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 him and further stated that, the cheque has been issued to the complainant towards repayment of loan. 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.132576 dated 07.09.2023 for Rs.77,567/- drawn on Vijaya Bank, 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, One postal acknowledgment is marked as Ex.P.-5 for the purpose of identification.

Office is directed to take Bond from accused.

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

Accused has files application Under Section 145(2) of N.I.Act seeking permission for cross examination of PW-1. Hence, case posted for cross examination.

For cross of PW-1.

Call on:04.02.2026.

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