

Case put up at the request of accused. Accused present.

Sri. PM, advocate files vakalath for accused along with bail application U/s 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/-.

Surety by name Sri. Veerabhadraiah S/o Late Eraiah, Aged about 46 years, R/at. Honnenahalli Village, Ravandur Hobli, Periyapatna Taluk, Mysuru District is present.

He has sworn his affidavit, and produced RTC in respect of his land bearing Sy.No.1 to an extent 2.00.00 situated at Mummadi kaval Village, Kasaba Hobli, Periyapatna Taluk and xerox copy of Aadhar Card. He is offered as surety to the accused.

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, chequ in question belongs to his account and signature belongs to him and further stated that, the cheque not 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.706589 dated 06.08.2025 for Rs.3,90,000/- drawn on State Bank of India, K.R.Nagar branch is marked as Ex.P-1, Bank endorsement is marked as Ex.P-2, Legal notice is marked as Ex.P-3, Two postal

receipts are marked as Ex.P-4 & 5, One postal acknowledgment is marked as Ex.P-6, One unserved postal cover is marked as Ex.P-7, Bank account statement is marked as Ex.P-8 and Reply notice dated 04.09.2025 given by accused is marked as Ex.P-9 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 as well as surety.

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

Accused has filed U/Sec.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 06.01.2026.

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