

Case called. Accused present.

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

Surety by name Sri.K.S. Shivaprasad S/o Late K.R. Shivanna, Aged about 51 years, R/at Ward No.12, Kanthenahalli Village, K.R.Nagar Town, Mysuru District is present.

He has sworn his affidavit, and produced RTC in respect of his land bearing Sy.No.122/11 to an extent 0.23.00 guntas situated at Kanthenahalli Village, Kasaba Hobli, K.R.Nagar 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 admission the cheque belongs to his account and signature belongs to him and further stated that, the cheque has been issued by the complainant further he is pleads not guilty and submits he has defense to make.

Statement of the accused is recorded U/s 351 of BNSS and to explain circumstances appearing in the evidence against him and accused has denied the same and he has chosen to lead his evidence.

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.192075 dated 29.07.2024 for

Rs.1,00,000/- drawn on Canara 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 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 as well as surety.

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

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 01.12.2025.

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