

Case put up at the request of accused. Accused present. Sri AT Advocate for accused files vakalath, bail application U/s 478 of BNSS Act 2023 and U/s 72(2) of BNSS Act 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.

Surety by name Nagarajegowda S/o Late Thimmaiah, Aged about 68 years, R/at Hosa halli village, Kasaba Hobli, K.R.Nagar taluk is present. He has sworn his affidavit, and produced RTC in respect of his land bearing Sy.No.259/3 to an extent 20 guntas situated at Hosahalli village, Kasaba Hobli, K.R.Nagar taluk and xerox copy of Aadhar Card. He is offered as surety to the accused.

Office is directed to take Bond from accused.

In view of granting bail, NBW issued against accused is recalled on penalty of Rs.200/-.

Substance of accusation stated to the accused 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.006516 dated 30.08.2023 for Rs.8,00,000/- drawn on Karnataka Grameen 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, postal receipt is marked as Ex.P-4, Endorsement 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.

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

Accused has filed U/Sec.145(2) of N.I. Act seeking permission for cross examination of PW-1. Hence, case is posted for cross of PW-1.

For cross of PW-1, call on 30.01.2025.

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