

**Court No. - 2**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 18035 of 2024

**Applicant :-** Harikishan

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Rama Shankar Mishra

**Counsel for Opposite Party :-** G.A.

**Hon'ble Piyush Agrawal,J.**

Heard learned counsel for the applicant as well as learned Additional Government Advocate for the State of U.P. and perused the record.

The present second bail application has been filed by the applicant seeking bail in Case Crime No. 456/2023 under Sections 377 IPC, Police Station- Hapur Nagar, District -Hapur.

Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present crime. It is submitted that the informant with collusion of his supporter lodged this first information report after delay of two days against the applicant to defeat the present Gram Pradhan and indirectly targeted to Gram Pradhan, because the applicant belongs to family of present Gram Pradhan. It is further submitted that at the time of hearing the first bail application, no witness has been examined, but presently four witnesses have been examined, who have not supported the prosecution story and declared hostile. It is further submitted that the video maker's name and the mobile number through which the said video was viral not disclosed in the first information report and in any statement of the witnesses. It is also submitted that there is no apprehension that after being released on bail, applicant may flee from the course of law or may, otherwise, misuse the liberty of bail and the applicant is in jail since 20.06.2023 and the possibility of conclusion of trial in near future is very bleak.

Learned A.G.A. has opposed the prayer for grant of bail and submitted that the applicant has committed an unnatural acts with the cows in the cowshed, which is confirmed by the video footage. He further submits that the video received through Whatsapp on the mobile of witness Shri Jitendra Kumar in which the applicant

is seen committing the unnatural acts with the cows.

Considering the facts that the applicant has committed an unnatural acts with the cows in the cowshed, which is confirmed from the video footage as well as from the medical report of the Chief Veterinary Officer and more particularly, no new ground has been taken by the counsel for the applicant in the instant bail application, without expressing any opinion on the merit of the case, I do not find it to be a fit case for granting bail.

The second bail application is **rejected**.

**Order Date :- 12.8.2024**

Pravesh Mishra

(Piyush Agrawal, J.)