2026:AHC:211027

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31932 of 2026

Kamal Panwar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Alok Tripathi, Deepak Kumar Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Alok Tripathi, learned counsel for the applicant and Sri Bade Lal Bind, learned counsel for the State and perused the material on record.

3. This is second bail application of the applicant. The first bail application of the applicant was rejected by this Court vide order dated 11.12.2025 passed in Criminal Misc. Bail Application No. 32994 of 2021 (Kamal Panwar Vs. State of U.P.).

4. This bail application under Section 483 of B.N.S.S. has been filed by the applicant-**Kamal Panwar**, seeking enlargement on bail during trial in connection with Case Crime No. 854 of 2020, under Sections 394, 411, 302 I.P.C., registered at Police Station Baraut, District Baghpat.

5. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case. It is submitted that the CCTV footage cannot be relied upon as its genuinity is disputed. It is submitted that role of the appellant in the present case is only of doing the reiki and not of shooting the deceased. The applicant has criminal history of six cases which have been disclosed and explained in para 57 of the affidavit. The applicant is in jail since 24.10.2020.

6. *Per contra,* learned counsel for the State vehemently opposed the prayer for bail and submitted that the first bail of the applicant has been decided by this Court on merits vide order dated 11.12.2025. It is submitted that all the said arguments were previously considered in the first bail application and then the same was decided. It is submitted that there is no new & fresh ground in the present bail application. It is submitted that in so far as the CCTV footage is concerned, the argument regarding its genuinity cannot be tested at this stage and it is for the trial court to consider it at the appropriate stage in the trial.

7. After having heard learned counsel for the parties and perusing the record, it is

evident that this is second bail application of the applicant. The first bail application of the applicant was rejected by this Court vide order dated 11.12.2025, the same reads as under:-

"1. List revised.

2. Heard Sri G.S. Chauhan, learned counsel for the applicant, Sri Birendra Pratap Singh, learned counsel for the State and perused the material on record.

3. This bail application under Section 439 Cr.P.C. has been filed by the applicant Kamal Panwar, seeking enlargement on bail during trial in connection with Case Crime No. 854 of 2020, under Sections 394, 411, 302 I.P.C., registered at Police Station Baraut, District Baghpat.

4. The FIR of the matter was lodged under Section 394 IPC on 11.10.2020 by Abhishek Atrey against 3-4 unknown persons alleging therein on 09.10.2020 at about 07:30 he was sitting with his tau Pradeep Atrey in their cement shop, there were two friends of his tau also sitting with him. He left them and went to the market. Later on at about 07:38 am he received an information that he may come immediately to his shop as someone has shot his tau. He reached there and found the body of his tau lying at some distance from the shop in a pool of blood and blood had come out from his head. Many people were present at the spot. He immediately took him to Mainwati Hospital where the doctors finding him critical as he received gun shot injury on his head referred him to Meerut. Later on when family members went to the shop they found Rs. 82,000/- looted from the shop and during loot on opposing 3-4 persons shot his tau and then ran away on their motorcycle. Report be lodged and action be taken.

5. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case. It is submitted that the applicant is not named in the FIR. It is further submitted that there is no credible evidence against the applicant. It is submitted that the implication of the applicant has surfaced during investigation. It is submitted that although a CCTV footage is alleged to have been recovered by the Investigating Officer but there is no reliability of the same in so far as the identification of the applicant is concerned. It is submitted that subsequently Sections 302, 411 IPC have been added in the present matter. It is submitted that co-accused Monu @ Ajay, Firoz Khan, Gaurav @ Bhura, Sagar Jogi and Nitin have been granted bail by this Court as well as different Benches of this Court vide orders dated 24.11.2021, 22.02.2022, 11.05.2022, 31.05.2022 and 24.11.2022 passed in Crl. Misc. Bail Applications Nos. 42185 of 2021 (Monu @ Ajay Vs. State of U.P.), 53614 of 2021 (Firoz Khan Vs. State of U.P.), 18571 of 2022 (Gaurav @ Bhura Vs. State of U.P.), 21715 of 2022 (Sagar Jogi Vs. State of U.P.) and 28309 of 2022 (Nitin Vs. State of U.P.), copy of all the orders are annexed as annexure S.A.3 to the supplementary affidavit dated 03.07.2023. It is further submitted that the applicant has a criminal history of six cases including the present case, the same has been explained in detail in para 3 of the supplementary affidavit dated 06.09.2025. The applicant is in jail since 24.10.2020.

6. Per contra, learned counsel for the State opposed the prayer for bail and submitted that a CCTV footage was recovered by the Investigating Officer which was taken into possession and from its viewing, two boys on motorcycle were seen who were then got identified by Rishabh Pawar and also Mahipal the father of the applicant identified the applicant from it. It is submitted that co-accused Banti was seen riding the said motorcycle but he has been exonerated. It is submitted that that the link in the chain of

circumstances gets fully established and there are no chances of misidentification. It is submitted that in so far as co-accused who have been granted bail are concerned, their cases are distinguishable with that of the applicant since the applicant was identified as the person in the CCTV footage. It is submitted that a country made pistol has been recovered from the possession of the applicant. It is submitted that there is no reason for false implication of the applicant and as such the prayer for bail of the applicant be rejected.

7. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant has been identified in the CCTV footage. Even his father identified him during investigation in the CCTV footage. There is recovery of a country made pistol from the possession of the applicant. The deceased Pradeep Atrey was found to have received a firearm wound of entry and one metallic bullet was recovered. He was further found to have received an abrasion. The cause of death was opined due to antemortem firearm injury which corroborates with the prosecution version. Since the identification is from the CCTV footage there is no chance of misidentification. In so far as the co-accused who have been granted bail are concerned, their cases are distinguishable with that of the applicant since the applicant was identified as the person in the CCTV footage. I do not find it a fit case for bail.

8. Considering the totality of the case in particular, nature of evidence available on record, I am not inclined to release the applicant on bail.

9. The bail application is, accordingly, rejected.

10. Pending application(s), if any, stand disposed of."

8. The argument as advanced by learned counsel for the applicant are matters of trial. Opinion cannot be given in this bail application with regard to arguments as advanced. More so, all the said arguments were already considered in the first bail application. No ground for bail is made out.

9. Looking to the facts and circumstances of the case, this Court does not find it a fit case for bail, hence, the bail application is **rejected.**

10. Pending application (s), if any, shall stand disposed of.

October 8, 2026
AS Rathore

(Samit Gopal,J.)

Digitally signed by :-
ABHISHEK SINGH RATHOR
High Court of Judicature at Allahabad