

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.4679 of 2022

Rabindra Nath Sethi and others ***Petitioners***

Mr. Napoleon Sahani, Advocate

-versus-

State of Odisha and another ***Opp. Parties***

Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.09.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. The petitioners are apprehending arrest in connection with an F.I.R. likely to be lodged at the instance of the informant and as such the present anticipatory bail application has been filed seeking pre-arrest bail.
3. It is submitted by learned counsel for the petitioners that till date, no F.I.R. has been registered by the police as of now.
4. Considering the facts and accepting the allegations only under Section 498-A, I.P.C., this Court is of the opinion that in the event such case F.I.R. is registered by the police, the mandatory procedure under Section 41-A of the Code of Criminal Procedure is required to be followed in the case of *Arnesh Kumar vrs. State Bihar and another* : reported in (2014) 8 SCC 273.

5. In such view of the matter, the ABLAPL is not maintainable and accordingly, the same is dismissed.

6. In view of the order passed in the bail application, the interim protection passed earlier stands vacated.

(A.K. Mohapatra)
Judge

Jagabandhu

