

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9552 of 2022

Debasish Mohanty

....

Petitioner

Mr. R.K. Mallick, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. The petitioner is 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 petitioner that till date, no F.I.R. has been registered by the police. Further, it is submitted that the petitioner has already filed a proceeding under Section 13(1)(ia) and (ib) of the Hindu Marriage Act for divorce and apprehends a case is likely to be registered against him under Section 498-A, I.P.C. at the instance of the wife.
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.

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

(A.K. Mohapatra)
Judge

Jagabandhu

