

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11866 of 2022

Sk. Sarwar Ahmed

.... Petitioner

Sk. Zafarulla, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. P.C. Das, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
11.10.2022**

Order No.

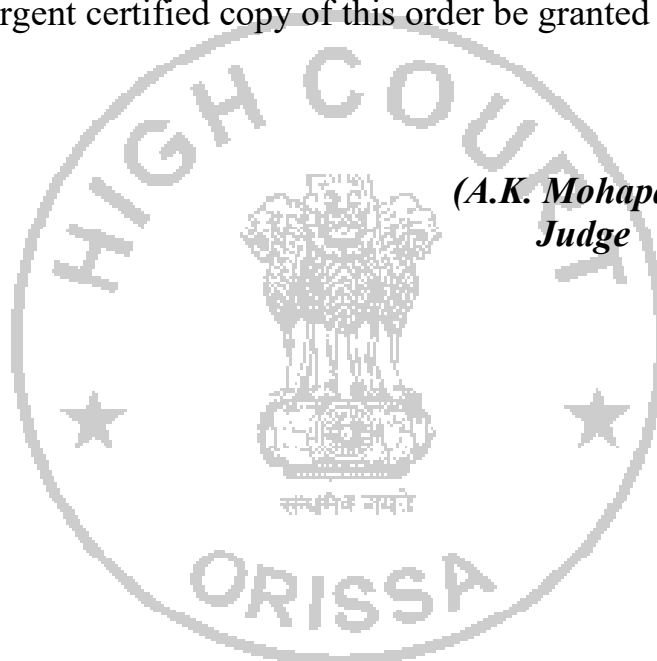
02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail.
4. It is submitted by learned counsel for the Petitioner that the Petitioner is related to the alleged Informant. He further submits that, relating to some ancestral property, there is dispute between the two brothers, as a result of which the Petitioner apprehends that the other brother may lodge F.I.R. against him making allegation under Sections 506/294/323, I.P.C. However, no F.I.R. has been lodged till now.
5. Considering such submission that F.I.R. has not yet been registered against the Petitioners, this Court is of the view that there

is no apprehension of arrest of the Petitioner. However, in the event any F.I.R. is lodged against the Petitioner for commission of offence under Sections 506/294/232, I.P.C., it is open for the Arresting Officer to follow the mandatory procedure under Section 41-A, Cr.P.C. in view of the judgment of the Hon'ble Supreme Court in the case of *Arnesh Kumar vs. State of Bihar and another*, (2014) 8 SCC 273.

6. With the aforesaid observations, the ABLAPL is disposed of.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge



S.K.Parida