

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11995 of 2022

Anil Prasad Gupta

Petitioner

....
Mr. Bhabani Shankar Mishra, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. S.Mishra, A.S.C.

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

**ORDER
23.09.2022**

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. It is submitted by the learned counsel for the Petitioner that the Petitioner apprehends his arrest in connection with a case to be lodged by his wife. It is further submitted by the learned counsel for the Petitioner that earlier a case under section 498-A of the Indian Penal Code was registered at the instance of the wife wherein the Petitioner has been acquitted. Now the Petitioner apprehends that a case is likely to be registered against the Petitioner. He further submits that no case has yet been registered.
3. Considering such submission, there is no apprehension of immediate arrest. The ABLAPL is not maintainable.
4. However, in the event any F.I.R. is registered making allegation against the Petitioner, it is directed that the mandatory procedure of Section 41-A of the Cr.P.C. shall be followed as per the

decision decided in the case of **Arnesh Kumar-v.-State of Bihar and another** : reported in **(2014) 8 SCC 273**, if the same is applicable to the facts of the case.

5. The ABLAPL is disposed of accordingly.

(A.K. Mohapatra)
Judge

RKS

