

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12883 of 2022

Rabinarayan Patra & another ***Petitioners***
Mr. Surendra Kumar Biswal, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. Sitikant Mishra, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
10.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners 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 Petitioners that the present Petitioners are father-in-law and mother-in-law of the victim lady, who is likely to lodge F.I.R. against these Petitioners. However, till date no F.I.R. has been lodged against them.
5. Considering such submission that since F.I.R. has not yet been registered against the Petitioners, there is no apprehension of arrest of the Petitioners, and accordingly this application for anticipatory bail is not maintainable. However, it is observed that, in the event any such F.I.R. is registered against the Petitioners under

Section 498-A, I.P.C., then in such event, 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*, the Arresting Officer shall follow the mandatory procedure under Section 41-A, Cr.P.C. and shall see if the same ratio is applicable here in the present case.

6. With the aforesaid observation, the ABLAPL is disposed of.
7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida

