

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12884 of 2022

Ruturaj Patra

....

Petitioner

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 Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail.
4. It is submitted by learned counsel for the Petitioner that the present Petitioner is the husband of the victim lady, who is likely to lodge F.I.R. against the Petitioner. However, till date no F.I.R. has been lodged against him.
5. Considering such submission that since F.I.R. has not yet been registered against the Petitioner, there is no apprehension of arrest of the Petitioner, 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 Petitioner 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

