

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13352 of 2022

Gitanjali Gantayat

....

Petitioner

Mr. H.N. Tripathy, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.10.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. Apprehending arrest by the petitioner in a case likely to be lodged by the proposed informant, the petitioner has approached this Court for protection under Section 438, Cr.P.C.
4. It is submitted by learned counsel for the petitioner that till date, no F.I.R. has been registered by the police as of now.
5. Therefore, this Court is of the considered view that, since no F.I.R. has been registered as yet, there is no reason of apprehension of arrest. However, it is further observed that in the event any F.I.R. is registered pertaining to the dispute in question, in such event Arresting Officer shall follow the mandatory procedure of Section 41-A of the Code of Criminal Procedure is required to be followed in the case of *Arnesh Kumar vrs. State Bihar and another* : reported

in **(2014) 8 SCC 273**, and shall see if the same ratio is applicable here in this case,

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

7. It is open for the petitioner that the petitioner may move an application for anticipatory bail at the appropriate time, if any cause of action arises.

(A.K. Mohapatra)
Judge

Jagabandhu

