

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15535 of 2021

Arabinda Mishra

....

Petitioner

Mr. R.D. Mohapatra, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Arupananda Das,
Addl. Govt. Advocate*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
04.01.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Mancheswar P.S. Case No.339 of 2019 corresponding to C.T. Case No.3650 of 2019 pending in the Court of learned S.D.J.M., Bhubaneswar for alleged commission of offences under sections 294/506 of the Indian Penal Code read with section 27 of the Arms Act.

Perused the FIR.

Learned counsel for the petitioner submitted that the petitioner is a journalist and though initially

the case was registered, inter alia, for commission of offence under section 25 of the Arms Act but at the time of submission of charge sheet, the said offence is deleted. He further submitted that during course of investigation, the petitioner was served with a notice under section 41A of Cr.P.C. and he has complied with the terms of same and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State, on the other hand, placed the charge sheet copy, which has been annexed as Annexure-3 and it also reveals that the petitioner was served notice under section 41A of Cr.P.C. He further submitted that since notice under section 41A of Cr.P.C. has been served, there is no apprehension of arrest of the petitioner.

Considering the submissions made by the respective parties, since there is no apprehension of arrest of the petitioner in view of the service of notice under section 41A of Cr.P.C., terms of which has been complied with by the petitioner, while not inclining to grant anticipatory bail to the petitioner, I direct that in the event the petitioner surrenders and moves for bail before the learned Court below on receipt of the summons, the purpose of such service of notice is to be taken into account by the learned Court below at the time of consideration of bail application and the same shall be disposed of in

accordance with law expeditiously. The case records shall be made available to the Court concerned.

The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge

RKM

