

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15874 of 2022

Siddharth Kumar Rout

....

Petitioner

Mr. B.K. Routray, Advocate

-versus-

The State of Odisha and others

....

Opp. Parties

Mr. P.K. Rout, AGA

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.12.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. The Petitioner is apprehending arrest in connection with an F.I.R. likely to be lodged in the Angul Sadar Police Station at the instance of Opposite Party No.4, who is the wife of the Petitioner, and as such the present anticipatory bail application has been filed seeking pre-arrest bail.
3. 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.
4. Considering the facts and accepting the allegation under Section 498(A) of I.P.C., this Court is of the opinion that in the event in such case F.I.R. is registered by the police, the mandatory procedure under Section 41-A of the Code of Criminal Procedure is required to be followed as per the decision of the Hon'ble Supreme Court in the case of *Arnesh*

Kumar vrs. State Bihar and another : reported in (2014) 8 SCC 273.

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

(A.K. Mohapatra)
Judge

Debasis

