

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1641 OF 2015

Ashwin s/o Ulhas Hasnale

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. R.A.Jaiswal h/f Mr. N.S.Ghanekar,
Advocate for Applicant.

Mr. M.M.Nerlikar, A.P.P. for Respondent – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 31st MARCH, 2015

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PER COURT :

1. The present applicant is seeking his enlargement on anticipatory bail in connection with Crime No. 289/2014 for the offences punishable u/s 420, 376, 417 read with 34 of the Indian Penal Code registered with Police Station Jawaharnagar, Aurangabad, district Aurangabad.

2. Heard Mr. R.A.Jaiswal holding for Mr. N.S.Ghanekar, learned counsel for the applicant and Mr. M.M.Nerlikar, learned A.P.P. for Respondent – State.

3. Though the prosecutrix is major, the allegations made against the present applicant are more serious in nature. The applicant tried to settle his marriage with the prosecutrix and thereafter on 15/06/2014 the engagement ceremony was also over. Thereafter, it appears from the accusations made in the First Information Report that taking the advantage of that, he has established sexual relations with the prosecutrix against her will and thereafter he has shown his inability to conduct the marriage with the prosecutrix.

4. According to the learned counsel for the applicant, the day on which the sexual assault is alleged, on that day according to the applicant, he was admitted in the hospital. Thus, he want to set up alibi. The alibi can be set up by way of defence. At the stage of considering the application for anticipatory bail in connection with the sexual assault, the said can not be considered.

5. Looking to the serious allegations made against the applicant, the present Criminal Application is rejected.

[V.M.DESHPANDE, J.]

