

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 510 OF 2015**

Erina Edward Johnson	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Sartaj Shaikh for the Applicant

Mr. Y. M. Nakhwa, A.P.P for the Respondent-State

PSI Mr. Vasant Sitaram Khatate from Tuling Police Station, Nalasopara is present

CORAM : REVATI MOHITE DERE, J.

FRIDAY, 24th APRIL, 2015

P.C. :

1. Leave to amend to delete the name of the prosecutrix.
Amendment to be carried out forthwith.

2. Heard learned Counsel for the applicant and the learned A.P.P.
for the State.

3. By this application, the applicant seeks her enlargement on bail
in connection with C.R. No. 00 of 2014 initially registered with the Vasai
Police Station, which was subsequently transferred to Arnala Sagari Police

Station, Thane and renumbered as C.R. No. I-95 of 2014 for the alleged offences punishable under Sections 376, 376(D), 376(A), 506 of the Indian Penal Code r/w 3, 4, 5, 7(1)(A) of the Prevention of Immoral Trafficking Act, 1956 r/w Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012.

4. The complainant, who is the prosecutrix, was aged 16 years at the relevant time and was residing with her parents at Nallasopara. The applicant is the cousin sister of the prosecutrix. It is alleged by the prosecutrix that the applicant used to visit the house of the complainant and that they would go out often. She has alleged that in April, 2014, the applicant came to her house and took her to Arnala Kadamb Chowpatty. She has alleged that before going to the said place, the applicant called up her friend Yogesh and asked him to come there. Thereafter, the applicant is alleged to have taken the prosecutrix to a lodge at Arnala Kadamb, where Yogesh was present and compelled the prosecutrix to have sexual relations with Yogesh, if she wanted money. She has alleged that the applicant locked the prosecutrix in the room, where Yogesh committed sexual assault on her. It is alleged that the applicant received Rs. 500/- from Yogesh,

however, she did not give the money to her and instead threatened her. On the next day, at about 5:00 p.m., the applicant is again alleged to have come to the complainant's house, and told her mother that she was taking the prosecutrix to her clinic. Instead, the applicant is alleged to have taken the prosecutrix to Green House at Vasai Station, where her friend Parag was present. It is alleged that after having lunch together, they went to a Resort at Kadamb Road, where the applicant locked the prosecutrix along with Parag and that Parag is alleged to have sexually assaulted her. Thereafter, in June, 2014, the applicant is alleged to have again called the prosecutrix and asked her, to meet her at the Vasai Station. Accordingly, the prosecutrix is alleged to have gone to Vasai Station, from where the applicant dropped her at Simran's house, and asked her to stay there for about 5 to 6 days. According to the prosecutrix, when she was staying with Simran for 5 to 6 days, Simran's two friends came and took her to a room at Kadamb Beach, where both Simran's friends committed sexual assault on her. It is alleged that out of an amount of Rs. 2,000/- received by Simran, she was only given a sum of Rs. 100/-. It is further alleged that Simran threatened the prosecutrix not to reveal the same to any member of the family. Thereafter, again after 2 to 3 days, Simran is alleged to have gone along with her friend

Dipesh and two others to a lodge, where all the said three persons are alleged to have committed sexual assault on her. On 9th July, 2014, the prosecutrix is alleged to have run away from the house of Simran, pursuant to which, the aforesaid complaint came to be lodged.

5. Learned Counsel for the applicant states that the applicant is a School Teacher working in St. Joseph & Mary Convent School. She submitted that the applicant is also working part-time, as an Assistant in a Dental Clinic at Vasai. She submitted that a false complaint has been lodged by the prosecutrix as against the applicant, as there is a civil dispute pending between the prosecutrix's family and the applicant's family. She submitted that the applicant's mother, Jonna Johnson had filed a Civil Suit, being Civil Suit No. 41 of 1994 in the Civil Court at Vasai, wherein the mother of the complainant is Defendant. Thereafter, another Civil Suit bearing Suit No. 397 of 2000 was filed by the mother of the applicant for possession of the premises where the applicant is residing. The mother of the complainant is Defendant No.3 in the said Suit. She submits that the applicant's father expired in the year 1993 and that the prosecutrix's family is trying to usurp the premises from the applicant's family.

6. Learned A.P.P opposed the bail application. He submitted that the applicant is the main accused, who had compelled the prosecutrix into prostitution.

7. Perused the charge-sheet. It appears that no missing report was filed by the mother of the prosecutrix, after she went missing in June, 2014. It also appears that there are strained relations between the parties i.e. between the prosecutrix and the applicant's family. It also appears that all the co-accused in the case have been enlarged on bail, either by this Court or the Sessions Court. The applicant has been in custody since 16th July, 2014 and charge-sheet has been filed. Considering the peculiar facts of the case, the applicant be released on bail on the following terms and conditions :

ORDER

(i) The applicant Erina Edward Johnson be released on bail in connection with C.R. No. I-95 of 2014 registered with the Arnala Sagari Police Station, Thane, on executing PR Bond in the sum of Rs. 15,000/- with one or two solvent sureties in the like amount;

(ii) The applicant shall attend the Arnala Sagari Police Station, Thane, once in a month, on the first Saturday of every month, between 11:00 a.m. to 12:00 noon till the conclusion of the trial;

(iii) The applicant shall not enter the jurisdiction of Nallasopara Police Station;

(iv) The applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Arnala Sagari Police Station, Thane;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The aforesaid observations are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.