

Copy of order passed by Smt. Mamita Das, O.S.J.S,
Additional Sessions Judge-cum-Judge Children's Court,
Keonjhar in Spl. Case No.1/17 of 2024 arising out of
Joda PS Case no.195 dtd.24.06.2023.

State

Versus

Ranjit Munda
aged about 17 years,
S/o.Sanatan Munda,
Vill: Jalahari Ward No.10,
PS: Bamebari, Dist-Keonjhar.

... C.I.C.L

Order dtd. 21.05.2025

The CICL is produced through video conference
Both the learned counsel for the CICL and learned Addl.
P.P are present.

An application has been filed on behalf of the CICL
u/s 437(2)(corresponding to 480(2) BNSS) with a prayer
to release him on bail.



Heard on the matter from both sides. Perused the case
record with other connected papers.

The CICL is facing trial u/s.363/ 366/ 417/ 376(3),
376(2)(n) of IPC r/w Sec.6 of POCSO Act. The allegations
against the CICL is that he had kidnapped and committed

sexual intercourse with the victim numerous time who is a minor girl below 16 years.

Initially after registration of the case the CICL was forwarded to the Special Court under POCSO Act as an adult . On the claim of the petitioner as it was determined by the Special Judge, (POCSO) that he had not completed 18 years of age at the time of alleged incident and was 17 years 11 months and 26 days, the case record along with the CICL was produced before the JJB, Keonjhar. Thereafter the Ld. JJB Keonjhar after a preliminary assessment holding that the CICL had completed 16 years and below 18 years and needs to be tried as an adult transferred the case record to this Court that is the Children's Court.

The application for bail has been filed u/s. 437(2) Cr.P.C. It has been held in the case of **Ram Babu Vishwakarma vs. State of UP**, neutral citation no.2023: AHC:232599 as follows



"15. From the perusal of Section 8(1) of J.J. Act, it is clear that Board constituted under J.J. Act for any district shall have the power to deal exclusively with all the proceedings under J.J. Act relating to child in conflict with law and as per Section 8(2) J.J. Act, the powers conferred on the Board by or under this Act (J.J. Act) may also exercise by

the High Court and Children's Court when the proceeding come before them under Section 19 or in appeal, revision or otherwise. In my view, the word otherwise is wide enough to even include proceedings of the trial before the Children's Court, in case at hand, POCSO Court and, therefore, if trial is being conducted by POCSO Court (Children's Court) then it has all the powers of Juvenile Justice Board, which also include power of Section 12 of J.J. Act to consider the bail application of child in conflict with law, therefore, in my considered view, during pendency of the trial of the child in conflict with law before Children's Court/ POCSO Court, the plea of bail of such child is maintainable under Section 12 of J.J. Act and being Special Act, J.J. Act overrides the provisions of Criminal Procedure Code including provisions of Section 439 Cr.P.C., therefore, bail plea of applicant under Section 439 Cr.P.C. before Children's Court in case at hand, POCSO Court was not maintainable."



Besides, earlier the bail application of the CICL has been rejected by this Court on dtd. 15.03.2024 on the grounds if released on bail the CICL will be exposed to moral, physical and psychological danger and his release would defeats the end of justice. Against the order of this Court he had preferred an appeal before the Hon'ble High Court vide CRLA No.440/2024 wherein the Hon'ble Court

while refusing the prayer for bail have granted the liberty to the appellant to renew his prayer for bail after examination of the victim in the trial.

In this case the victim has not yet been examined. Therefore in the facts and circumstances of the case and in the light of the legal position laid down above the bail application stands rejected.

Supply free copy of this order to the CICL/Id. Counsel for the CICL if applied for in proper form.

Sd/-

Addl. Sessions Judge- Cum-Judge
Children's Court, Keonjhar.

