

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL MISCELLANEOUS JURISDICTION

CRIMINAL MISCELLANEOUS CASE NO: HAM 151 OF 2019

BETWEEN : SEKOVE NAWAVU

Applicant

AND : STATE

Respondent

Counsel : Applicant in Person

: S. Komaibaba for Respondent

Date of Ruling : 11 June 2019

BAIL RULING

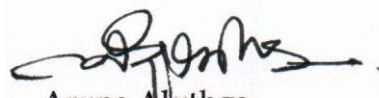
1. This is an application for bail pending trial.
2. The Applicant is charged with one count of Aggravated Burglary and one count of Theft.
3. The Applicant has been in remand since 27th March, 2019. Disclosures are yet to be served on the Applicant.
4. The State is objecting to the application on the basis that there is a likelihood that the Applicant will interfere with the witness for prosecution, if he is granted bail. The State is also concerned that the Applicant may pose a threat to the protection of the community.

5. The State's concern that the Applicant might interfere with State's witnesses is based on the fact that complainant (in the substantive matter) is residing in the same village as the Applicant. Apart from this assumption, there is no evidence that the Applicant has ever attempted to interfere with the complainant.
6. The seriousness of the charge against the Applicant in itself is not a strong ground to refuse bail. The State has not elaborated on the strength of the Prosecution's case although the investigating officer, in his affidavit, has stated that there is a strong case against the Applicant.
7. There is no evidence that the Applicant has previous convictions, pending cases or previous bail violations. The State's claim that the Applicant will pose a threat to the protection of the community is not substantiated.
8. The risk of witness interference can be eliminated by imposing strong bail conditions.
9. Applicant has provided names of two sureties. The State can check their suitability before the Applicant is released on bail.
10. For the reasons given, I allow the application for bail on following bail conditions;

The Applicant

- i. to provide personal bail bond for 500 FJD.
 - ii. to provide surety bail bond for 500 FJD with two sureties acceptable to court.
 - iii. not to reoffend.
 - iv. not to interfere with the witnesses for prosecution.
 - v. to report to Korovou Police Station on every Saturday between 8am and 4 pm.
8. The application for bail is allowed.




Aruna Aluthge
Judge

At Suva

11th June, 2019

Solicitors: Office of the Director of Public Prosecution for Respondent