

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

Miscellaneous Case No. HAM 118 of 2013

BETWEEN: **SAMISONI RABAKA**

APPLICANT

A N D: **THE STATE**

RESPONDENT

Counsel: Applicant in Person
 Ms. V. Prasad for Respondent

Date of Ruling: 07th June 2013

B A I L R U L I N G

1. The Applicant is been charged with one count of Rape contrary to section 207 (1) and (2) (b) and (3) of the Crimes Decree 2009 in the High Court of Suva in Criminal Case No. HAC 078/2013.
2. The Applicant applies for Bail pending Trial on the following grounds:
 - (i) Looking after his sickly and elderly parents.
 - (ii) Supporting his siblings who are still schooling.
 - (iii) Taking care of the family farm in Veikoba to support the family.

3. The counsel appeared on behalf of the Director of Public Prosecutions (DPP) informed court that the State has no objection to release the Accused on Bail on strict conditions.
4. As it was revealed in court, the alleged victim in this instance is a small girl of 3 years old while the accused is 33 years of age.
5. Prosecution admits that there is no relationship between the Accused and the victim. Thus, the background does not attract the provisions of the Domestic Violence Decree.
6. Further, it is noted that the Trial of the substantive matter (HAC 78/2013) is been scheduled from 15th – 18th July 2014 and not in July 2013 as stated by the Learned Prosecutor.
7. Having considered all the material stated above, this Court orders to release the Applicant on Bail on following conditions.
8. The Applicant should:
 - (i) Sign a Bail Bond of \$1000.
 - (ii) Provide 2 Sureties acceptable to the court with sufficient means to sign a bond of \$1000 individually.
 - (iii) Not to interfere with or approach directly or indirectly any Prosecution witnesses.
 - (iv) Be away at least 2km from the house where the victim and her parents reside.
 - (v) Surrender Passport or any other travelling document to court and the Director of Immigration is to be informed of the travel ban imposed on the Applicant.
 - (vi) Report to the nearest Police Station every Saturday between 9am – 5pm commencing from 8th of June 2013 or the first Saturday after Bail been furnished.

9. Any breach of these Bail conditions is likely to result in cancellation of Bail.
10. 30 days to appeal.

Janaka Bandara
Judge
07/06/2013

Solicitors

1. Office of the Director of Public Prosecutions for the State
2. No appearance by the Applicant