

IN THE HIGH COURT OF FIJI
AT SUVA
MISCELLANEOUS JURISDICTION

Miscellaneous Matter No. HAM 164/14

BETWEEN : **VILASH KUMAR**
Applicant

AND : **THE STATE**
Respondent

Counsel : Mr M. Yunus for the Applicant
Ms Semisi for the State

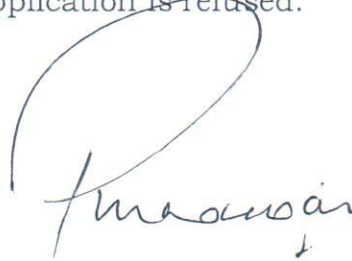
Date of hearing : 25 Septtmbber, 2014
Date of Ruling : 25 September, 2014

RULING

1. The applicant applies for bail pending trial on one count of murder and 3 counts of act with intent to cause grievous bodily harm. It is a case of domestic violence where the applicant is alleged to have murdered his daughter-in-law and seriously injured 3 other family members.
2. In advancing the application, counsel for the applicant states that his client is willing to surrender his passport, to provide 2 sureties, to enter

into a Domestic Violence Restraining Order. He is anxious to support his wife and young son.

3. Those in custody awaiting trial on domestic violence charges are not afforded the presumption in favour of bail provided by section 3 of the Bail Act. Part 2 of the Domestic Violence Decree 2009, section 2(b) makes a domestic violence offence an exception to the presumption in favour of bail.
4. The case investigating officer has by way of affidavit, deposed that there is a great deal of tension in the family of the accused. His wife, mother-in-law and son feel threatened by him should he be at large. The officer further states that the investigation is still in progress and his being on bail might well hinder the investigation.
5. Given that these offences are domestic violence allegations and that there is no presumption and given that the applicant at large may well pose a threat to others, the application is refused.



P.K. Madigan

Judge



25 September 2014