

IN THE HIGH COURT OF FIJI
AT LAUTOKA
MISCELLANEOUS JURISDICTION
CRIMINAL MISCELLANEOUS CASE NO: HAM 230 OF 2014

BETWEEN : **AARON ANWAR KHAN**
Applicant

AND : **STATE**
Respondent

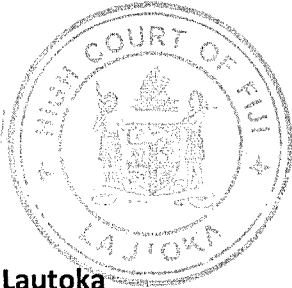
Counsel : **Mr. K.Vuataki for the Applicant**
Mr. J. Niudamu for Respondent

Date of Hearing : **25 & 26 September 2014**
Date of Ruling : **3 October 2014**


Ruling

1. The applicant above named had filed an application for variation of bail. He is charged with Importation of 5.4 Kg of Pseudoephedrine contrary to Section 6 (a) of the Illicit Drug Control Act of 2004.
2. He was granted bail by the Resident Magistrate, Nadi on 28.08.2014, when he was first produced in Court. The bail conditions are:
 - (i) Two sureties of bond \$2000.00
 - (ii) The accused to sign at Namaka Police Station once a week on Sunday between 9.00 am -12.00 pm
 - (iii) The accused to surrender his passport
 - (iv) There is a stop departure on the accused as he is a dual citizen.
3. Applicant filed a variation of bail application to this Court on 18.09.2014 (HAM 217 of 2014) and it was refused by this Court on 22.09.2014 as the applicant failed to satisfy Court that there is a need for him to travel abroad immediately.
4. This application was filed on 24.09.2014.

5. In the affidavit filed in support of this application, the applicant had stated that he had invested about 5,547,400 million dollars for the establishment and construction of the said project. When this court asked the applicant's counsel whether this figure is correct, it was submitted that the figure is a typing mistake and they will file a supplementary affidavit. In the supplementary affidavit filed on 26.09.2014 it is stated that the figure should have been \$5, 047,400.
6. Then the applicant moved time till 1.10.2014 to come with two sureties or a bank guarantee for payment of specific amount if he does not come back. On 1.10.2014 it was informed to Court that he is unable to do so. The counsel moved that a ruling be given on the filed documents and the oral submissions on 3.10.2014 as he is unable to come to Court on 2.10.2014.
7. According to tentative schedule of meetings filed, the meetings are from 03.10.2014 to 06.10. 2014. Even if this application is allowed, it is impossible to go to Belarus to attend those meetings.
8. The primary consideration in any bail condition is the likelihood of the accused appearing in Court to consider charge against him.
9. The applicant had failed to satisfy Court that there is a need for him to travel abroad immediately. The application for variation of bail is refused.



**At Lautoka
3rd October 2014**


**Sudharshana De Silva
Judge**

**Solicitors : Vuataki Law for the Applicant
Office of the Director of Public Prosecutions for Respondent**