

**IN THE HIGH COURT OF FIJI**

**AT SUVA**

**MISCELLANEOUS JURISDICTION**

**MISCELLANEOUS CASE NO. HAM 044 OF 2014S**

**BETWEEN**

**NARESH NARAYAN**

**APPLICANT**

**AND**

**THE STATE**

**RESPONDENT**

**Counsels : Applicant in Person  
Mr. M. Vosawale for Respondent**

**Hearing : 29 May, 2014**

**Ruling : 29 May, 2014**

**Written Reason: 10 July, 2015**

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**WRITTEN REASONS FOR DENIAL OF BAIL**

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1. In Suva High Court Criminal Case No. 166 of 2013S, the accused faced 3 murder charges, contrary to Section 237 of the Crimes Decree 2009, and 2 arson charge, contrary to Section 362(a) of the Crimes Decree 2009. He had been remanded in custody since 8 April 2013, when he first appeared in the Suva Magistrate Court. So, he had been in custody for about 2 years 3 months
2. He applied for bail on 28 February, 2014. On 29 May 2014, I heard the parties, and denied bail on the same day. I said, I would give my reasons later. Below are my reasons.
3. Every accused person is entitled to bail pending trial, unless the interest of justice requires otherwise. The test for granting bail is whether or not the accused will turn up in court to take his trial. In deciding the above, the court is duty bound to consider the factors mentioned in section 19 of the Bail Act 2002.

**Factor No. 1: Likelihood of Accused's Surrender to Custody**

4. The accused was 48 years old at the time of the alleged crime. He stayed at Vatuwaqa in a squatter area. He reached Form 4 level education. According to the prosecution, the case against him is strong. He allegedly confessed to three murder charges and two arson charges. If found guilty after trial, he will get the mandatory life imprisonment for the murder charges. Under this head, his chances of bail are slim.

**Factor No. 2: Interest of the Accused**

5. The accused will be tried from 3 to 14 August 2015. That is approximately 3 weeks away. He had been in custody for the last 2 years 3 months. However, time spent in remand will be deducted from his final sentence, if found guilty. He is in new remand facilities. He is represented by Legal Aid lawyers, and they can visit him in remand, as and when they please. He is not incapacitated. There does not appear to be any lawful reasons for him to be at liberty. Under this head, his chances of bail are slim.

**Factor No. 3: Public Interest and the Protection of the Community**

6. The allegations against the accused are very serious. He allegedly murdered three people and committed two arson charges. Although he is presumed innocent until proven guilty beyond reasonable doubt in a court of law, in my view, it is in the public interest and the protection of the community that he be remanded in custody, until further orders of this court. Under this head, the accused's chances of bail are slim.

**Conclusion**

7. Given the above, those were the reasons why I refused the accused's bail application on 29 May 2014.



**Salesi Temo**

**JUDGE**

Solicitor for Applicant : In Person  
Solicitor for Respondent : Office of the Director of Public Prosecution, Suva.