

IN THE HIGH COURT OF FIJI
AT LABASA
MISCELLANEOUS JURISDICTION

Criminal Miscellaneous No. HAM 12 of 2016

RONEIL SINGH

Applicant

V

STATE

Respondent

Counsels: Ms. S. Dunn (L.A.C.) for Applicant
Ms. A. Vavadakua for State

Date of Hearing : 18 May 2016

Date of Ruling : 18 May 2016

RULING

- [1] The applicant awaits trial in this court on one count of breach of domestic violence restraining order, one count of act with intent to cause bodily harm, one count of attempted murder and one count of attempted arson.
- [2] He applies to be released on bail pending his trial.

- [3] The presumption in favour of bail stipulated in s.3 the Bail Act 2002 ("the Act") is rebutted in cases of Domestic Violence by s.5 (d) of the Act.
- [4] The applicant by his Counsel submits that her client will live on the other side of Labasa town from his wife who is the alleged victim of the charges he faces. She says that there will be no contact between accused and his wife.
- [5] Evidence was called before this Court to show that the prosecution case is strong and to show that these alleged crimes were committed in the course of a drunken fury at a time when there was already a domestic violence restraining order in place to protect the wife.
- [6] Whilst not in a position to pre-judge the guilt of the accused, the sworn evidence of the Police Officer who was present at the scene who saw the attacks on the accused's wife and daughter and who was aware that a Domestic Violence Restraining Order was in place is enough for this Court to refuse the application.
- [7] Courts must take great care in allowing domestic violence perpetrators to be at liberty. No matter what steps are taken to keep the parties apart, there is always a danger that further contact will be made and a danger that further violence will ensue resulting in serious bodily injury or even worse.
- [8] The fact that at the time of these assaults the applicant was already the perpetrator in a Domestic Violence Restraining Order means that he has no respect for authority. By living in the same town, he could easily ignore strict bail conditions and reoffend.

[9] It is in the Public Interest and in the accused's own interest that he not be granted release on bail.

[10] The Application is refused.

P. K. Madigan



P. K. Madigan

Judge

At Labasa

18 May 2016