

IN THE HIGH COURT OF FIJI AT SUVA

In the matter of an application for bail
pending trial.

MALAKAI TALEBULA

Applicant

CASE NO: HAM. 43 of 2018
[HAC 49/2018]

Vs.

STATE

Respondent

Counsel : Mr. J. Daurewa for the Applicant
Ms. M. Chowdhury for the Respondent

Hearing on : 17th April 2018

Ruling on : 20th April 2018

BAIL RULING

1. This is an application for bail pending trial. The applicant is charged with one count of aggravated robbery contrary to section 311(1)(a) of the Crimes Act which is an offence punishable with an imprisonment term of 20 years. It is alleged that the applicant committed the offence with two others. The applicant had been arrested with two others by the police soon after the incident upon being identified by the complainant and another person who had witnessed the incident. On the face of it, there is strong evidence against the applicant and therefore the flight risk in this case is enhanced.

2. The respondent objects to bail stating that;
 - a) The applicant is charged with a serious offence;

- b) The applicant has previous convictions for similar offences;
- c) The applicant has a pending case before the Suva Magistrate Court where the applicant is on bench warrant; and
- d) It is not in the public interest to release the applicant on bail.

3. Section 19(1) of the Bail Act reads thus;


An accused person must be granted bail unless in the opinion of the police officer or the court, as the case may be-

- (a) the accused person is unlikely to surrender to custody and appear in court to answer the charges laid;*
- (b) the interests of the accused person will not be served through the granting of bail; or*
- (c) granting bail to the accused person would endanger the public interest or make the protection of the community more difficult.*

4. The applicant had come before this court at a time where the offences against property are prevalent and had created uneasiness in the minds of the members of the society. The police force is fighting relentlessly to arrest this situation. In the circumstances I am inclined to form the opinion that the applicant is unlikely to appear in court to answer his charges and that granting bail to the applicant would endanger the public interest and make the protection of the community more difficult.

5. This application is refused.




Vincent S. Perera
JUDGE

Solicitors:

Mr. J. Daurewa, 83 Ragg Avenue, Suva for the Applicant
Office of the Director of Public Prosecution, Suva for the State