

IN THE HIGH COURT OF FIJI

AT LABASA

MISCELLANEOUS JURISDICTION

MISCELLANEOUS CASE NO: HAM 54 OF 2019LAB

BETWEEN : JONE SELA

APPLICANT

AND : THE STATE

RESPONDENT

**Counsels : Applicant in Person
Ms. D. Rao for Respondent**

Hearing : 19 December, 2019

Ruling : 19 December, 2019

Written Reasons: 23 December, 2019

WRITTEN REASONS FOR DENIAL OF BAIL

1. In Labasa high Court Criminal Case No. HAC 53 of 2019LAB, the applicant was facing an “attempted aggravated robbery” charge. It was alleged that he and another, on 14 November 2019, at Labasa in the Northern Division, attempted to rob the complainant of her wallet and cash.
2. It is well settled that every accused persons had a right to bail pending trial, unless the interest of justice requires otherwise. In deciding bail, the court had to take into account all the factors mentioned in Section 19 at the Bail Act 2002.

3. According to the prosecution, their case against the applicant was strong. He allegedly admitted the offence, when caution interviewed by police. The offence was allegedly committed at the Labasa bus stand. The applicant was arrested by police soon thereafter. If found guilty after trial, the applicant is facing a possible prison sentence of 6 years and up.
4. A trial date had not been set. But given the Labasa High Court Criminal Case Management process, a trial will be held within 1 year. A court is entitled to hold a person in remand 2 years prior to trial. He is entitled to apply for Legal Aid lawyers, and they can visit him in custody to prepare his defence, as and when they pleased.
5. The allegation against the applicant is serious. He allegedly attacked the complainant at the Labasa bus stand. 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 the court. I order so accordingly.
6. It was for the above reasons that I denied bail on 19 December 2019.




Salesi Temo
Judge

Solicitor for Applicant:
Solicitor for Respondent:

In Person
Office of Director of Public Prosecution, Labasa