

IN THE SUPREME COURT  
OF THE REPUBLIC OF VANUATU  
(Criminal Jurisdiction)

Criminal  
Case No. 23/1030 SC/CRML

**BETWEEN: Public Prosecutor**

**AND: Iven Kapalu  
Applicant**

**Coram: Justice Dudley Aru**

**Counsel: Mr. C. Shem for the Public Prosecutor (no-appearance)  
Mr. H. Rantes Applicant**

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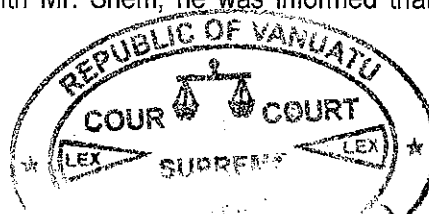
**DECISION**

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1. This is an application by Iven Kapalu for the release of his bail bond in the sum of VT 30,000 (bail bond).
2. The application is supported by a sworn statement of the Applicant himself. On 24 December 2021 Magistrate J Palo ordered that the bail bond be paid into Court to be held by the Registry by 4.30 pm on 31 December 2021 [Exhibit IK 03]. Part of the orders were that if the bail bond is paid:

*".....such bond is to be released to the defendant once the case is finally determined unless otherwise decided by the Court."*

3. The bail bond was paid into Court on 24 December 2021 and receipted on the same date [Exhibit IK02]. Following payment of the bail bond, the Applicant was released on bail. The matter was committed to the Supreme Court on 19 June 2023 as Public Prosecutor v Iven Kapalu Criminal Case No 22/1030 for plea [Exhibit IK 04]. On an Information filed on 4 July 2023 [Exhibit IK01], the Applicant pleaded guilty to one charge of reckless driving contrary to s13 of the Road Traffic (Control) Act and one count of unintentional harm causing permanent injury contrary to s 108 (b) of the Penal Code [CAP 135].
4. On 14 July 2023 the Applicant was sentenced to a concurrent end sentence of 8 months imprisonment suspended for a period of 2 years. In addition he was ordered to perform 200 hours of community work [Exhibit IK 05].
5. Mr. Rantes submits that the Applicant complied with his bail conditions and has not reoffended and completed his sentence on the 14 July 2025 in compliance with the Court's orders.
6. At this morning's hearing there was no appearance from the prosecution, however, Mr. Rantes advises that through exchange of emails with Mr. Shem, he was informed that the prosecution



concedes to the application. In the absence of a filed response opposing the application, I accept what Mr. Rantes relayed to the Court on behalf of Mr. Shem who maybe caught up in another matter and was not able to attend today hearing. No reasons were given for his non-attendance. Without a doubt Mr. Shem was served with the application hence the exchange of emails.

### Result

7. Having heard Mr. Rantes and noting the concession by the prosecution, in the absence of any opposition, I grant the application.

### Orders

- a) The Application for the release of bail bond is granted.
- b) The Applicant having complied with his bail conditions and having completed his sentence, the Court Registry shall release his bail bond in the sum of VT 30,000 forthwith.

DATED at Port Vila this 29th day of October, 2025

BY THE COURT

Dudley Ar  
Judge

