

IN THE COURT OF APPEAL, FIJI AT SUVA

CRIMINAL APPEAL NO. AAU0046 OF 2002

In the matter of an appeal from the Magistrate's Court, Lautoka in Criminal Case No. 162/2002 to the High Court of Fiji, Lautoka in Criminal Appeal No. HAA0036 of 2002

BETWEEN:

MITHUN VIMAL SAMI
father's name Mun Sami of
of Rifle Range, Lautoka

Appellant

AND:

THE STATE

Respondent

APPLICATION FOR BAIL

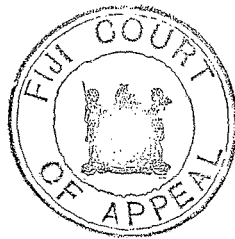
There are special circumstances why bail should be granted in this case. The errors of law alleged in the Petition of Appeal have merit, particularly, that which says that the defence available to the Appellant under the proviso to Section 156 of the Penal Code did not receive proper and adequate attention both by the learned Magistrate, and the appellate Judge. I consider that the Appellant has good chance of succeeding in the appeal. The Appellant has already served 7 months of a 18-month sentence. With remission he would be released in 12 months, which means that he is due for release in another 5 months. The chances of this appeal being heard before February 2003 are nil. In the rather special circumstances of this case, I will allow the Appellant bail, pending the hearing and determination of his appeal. The Appellant should have bail on the following terms:-

1. In the Appellant's recognizance of \$2000.00.

2. Two sureties of \$2000.00 each.
3. The Appellant to report on Mondays and Fridays between 8.00 am and 6.00 pm, to the Lautoka Police Station.
4. The Appellant to surrender his passport, if he has one, to the Chief Registrar of the High Court.
5. That the Appellant will not contact the complainant or any of the witnesses in this case.

Naturally, the Appellant must appear before this Court when his appeal is listed for hearing.

Dated at Suva this 18th October, 2002.



A handwritten signature in black ink, appearing to read "Jai Ram Reddy", is written over a horizontal dotted line.

Jai Ram Reddy
President