

IN THE HIGH COURT OF FIJI
AT SUVA
MISCELLANEOUS JURISDICTION

Crim. Misc. Case No: HAM 272/2013

BETWEEN : **TUTUNISAU CAUCAU**
APPLICANT

AND : **THE STATE**
RESPONDENT

COUNSEL : **Mr J Savou for the Applicant**
Mr Y Prasad for the State

Hearing Date : **28/02/2014**

Ruling Date : **07/03/2014**

RULING

- [01] The applicant **Tutunisau Caucau** had applied for bail pending trial for the third time.
- [02] The applicant has been charged for one count of Rape Contrary to Section 207(1) and (2) (a) of the Crimes Decree No: 44 of 2009.
- [03] The applicant submits that he has a change of circumstance to seek bail from this court. In support he has submitted a letter from his wife.
- [04] The Applicant submits that the owner of the house, where his family resides at present, is coming to re-occupy in the year 2014. He seeks bail in order to support his family as he is the sole bread winner of the family.

- [05] The State opposes the bail. The State submits that the applicant was released on bail by High Court, Suva on 17/07/2012. After his release on bail he has been arrested for another offence of Rape. The case is pending before High Court of Lautoka (HAC 107/13).
- [06] The applicant is charged for one count of Rape and he is in remand for this case since 09/08/2013. The charge filed against the accused is very serious.
- [07] Trial date has been already set in this case. Trial will be taken up between 17-21/11/2014.
- [08] The applicant reoffended on a similar charge of Rape while he was on bail granted by this court. He has breached his bail conditions imposed in this case. Under these circumstances, granting bail to the applicant second time would definitely endanger the public interest or make the protection of the community more difficult.
- [09] Considering all these factors into account, especially Applicant's reoffending in a similar offence; it is not in the interest of justice to grant bail to the Applicant.
- [10] Bail refused.
- [11] 30 days to appeal.

P Kumararatnam
JUDGE

At Suva
07/03/2014