

IN THE HIGH COURT OF FIJI
AT SUVA
MISCELLANEOUS JURISDICTION

Crim. Misc. Case No: HAM 273/2013

BETWEEN : **WATISONI SERELEVU**
APPLICANT

AND : **THE STATE**
RESPONDENT

COUNSEL : **Applicant in Person**
Ms L Latu for the State

Date of Hearing : **03/03/2014**

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

BAIL RULING

[01] The Applicant Watisoni Serelevu had applied for bail pending trial for the fourth time.

[02] The Applicant has been charged for Rape under Section 207(1) (b) and (3) of the Crimes Decree No: 44 of 2009.

[03] That Applicant applies for bail on the following grounds:

- (1) That he is the sole breadwinner of his family with three children.
- (2) That his wife is sick.
- (3) That he is 50 years old.
- (4) That he has a sickness.

[04] State objecting for bail submits that the alleged offence was committed on his biological daughter on three occasions in the year 2011.

- [05] The victim is the biological daughter of the Applicant and in terms of Domestic Violence Decree; this is a domestic violence offence. Therefore, in terms of Section 3(4) (c) of the Bail Act, the presumption in favour of granting bail is displaced.
- [06] This is the fourth bail application filed by the Applicant. No special circumstances adduced by the Applicant.
- [07] The Applicant is charged with Rape under Crimes Decree No: 44 of 2009. Rape is in itself viewed as most serious sexual offence which attract maximum penalty of life imprisonment.
- [08] The witnesses in this case are all related to the Applicant. The offence is committed on his biological daughter. Thus the likelihood of interfering with state witnesses is very high.
- [09] Considering all these into account it is not in the interest of justice to grant bail to the Applicant. Therefore the application for bail is refused.
- [10] 30 days to appeal.

P Kumararatnam
JUDGE

At Suva
07/03/2014