

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

Criminal Case No. HAM 186 of 2014

JAGDISHWAR SINGH

v.

THE STATE

Counsel: Ms. V. Prasad for the State
Mr. Mr. A. Reddy for the Applicant

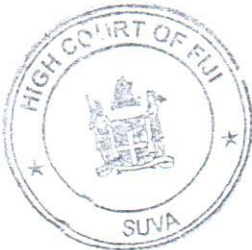
Dates of hearing: 10 November 2014

Date of Ruling : 10 November 2014

RULING

1. The applicant applies for bail pending trial. He is facing two charges of rape, the alleged victim being his 4 year old biological daughter. This being an offence of domestic violence, the presumption in favour of bail is displaced.

2. The applicant deposes in his affidavit that he has been forced to admit these offences in an interview under caution – that force being assaults by the Police. He claims to be innocent of the crime and intends to contest admissibility of the record of interview.
3. By doing that, the case against him if he is successful in his objections, will rely solely on the evidence of the 4 year old and protection of her until that trial is paramount. The applicant would have every reason to interfere with her evidence and this Court must take steps to prevent the possibility of that occurring.
4. The application for bail is refused.



A handwritten signature in black ink, appearing to read "P. Madigan". The signature is written in a cursive style with a large, looping initial "P".

P.K. Madigan
Judge

At Suva
10 November 2014