IN THE HIGH COURT OF FIJI
AT LAUTOKA
MISCELLANEOUS JURISDICTION

CRIMINAL MISCELLANEOUS CASE NO. HAM 040 OF 2015

BETWEEN : RUSIATE TEMO ULUIBAU

Applicant

AND : STATE

Respondent

Counsel : Applicant in person

Mr. Niudamu. J. for Respondent

Date of Hearing : 25th of May 2015

Date of Ruling : 10th of June 2015

Bail Ruling

1. The Applicant filed this bail application pursuant to section 14 (1) and 30 (7) of the Bail Act. This is the fifth bail application of the Applicant. All of his previous applications have been refused and dismissed.

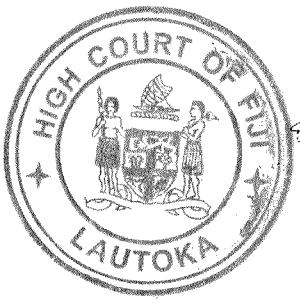
2. This application is founded on following grounds inter alia;

   i. *The applicant is the sole breadwinner,*
   ii. *Presumption of innocent,*
   iii. *His mother needs his supports,*
   iv. *To seek legal advice,*

3. The Respondent objected for this application and stated that these grounds have already been considered by the court in the applicant's previous bail applications. The applicant is charged with a serious offence and the prosecution has a strong case against him. Moreover, the Respondent stated that there is likelihood that the applicant may commit an offence in this nature if he is granted bail. He has two pending criminal actions in the Lautoka Magistrates court.

4. Section 14 (1) of the Bail Act (herein after referred as the Act) allows an accused person to make any number of application for bail. However, in view of section 30 (7) of the Act, the court could refuse to hear a fresh application for bail, in the absence of any special facts or circumstances that justify the making of afresh application.

5. It appears that the applicant's grounds for this application have already been considered by the court in its last four previous bail applications. Accordingly, I find there is no special facts or circumstances, which fall within the meaning of section 30 (7) of the Bail Act. I accordingly refuse and dismiss this application of the applicant.



R. D. R. Thushara Rajasinghe

Judge

At Lautoka

10th of June 2015

Solicitors : Applicant in person

Office of the Director of Public Prosecutions