

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CRIMINAL JURISDICTION

Criminal Miscellaneous Case No. HAM 06 of 2017

TOMASI QANIUCI
[Applicant]

vs.

STATE
[Respondent]

Counsel : Applicant in Person
: Mr. S. Babitu for the Respondent

Date of Hearing : 17 January, 2017
Date of Ruling : 23 January, 2017

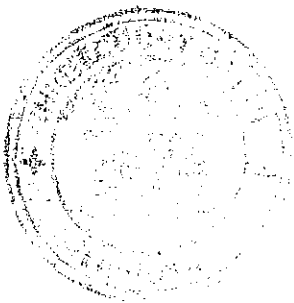
R U L I N G

- [1] The applicant applies for bail pending trial in this court on two counts of aggravated robbery.
- [2] This is his second application, the first having been made and refused by Rajasinghe J. in November 2016.
- [3] In this application the applicant prays the same grounds previously advanced, which are:

- 1) poor conditions of remand accommodation
- 2) a first offender and no previous history of escape or absconding,

but in addition he now adds the ground that his father having died in October 2016, there is nobody to provide for his mother who is sickly.

- [4] There are no new circumstances pertaining to the earlier grounds refused by Rajasinghe J. and it therefore remains for this Court to consider the impecunious and vulnerable mother ground.
- [5] In his oral submissions before this Court, the applicant admitted that at the time of his arrest he was unemployed but earned casual reward for rugby matches he played in. Now being summer, that income is not available to him.
- [6] In submitting that he wishes to be admitted to bail to care for and provide for his mother, at the same time he is living apart from her with his brother. He is unemployed and was unable to tell me how he could provide anything but emotional comfort to her.
- [7] That contradiction and the contradictory statements that he made in his oral submissions do not instill in this Court the confidence that he will attend Court as required for his proceedings.
- [8] He being without income and with pressing family commitments; he could well re-offend.
- [9] The instant case being a serious home invasion in the presence of frightened children and in the interests of the public at large, the application is refused.



A handwritten signature in black ink, appearing to read 'Paul K. Madigan'.

Paul K. Madigan
Judge

At Lautoka
23 January, 2017