

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

MISCELLANEOUS CASE NO: HAM 135 of 2017

BETWEEN : **FRED WESLEY** **APPLICANT**

AND : **THE STATE** **RESPONDENT**

Counsel : Mr. Haniff F for the Applicant
: Mr. Prasad Y for the Respondent
Date of Hearing : 25th August 2017
Date of Ruling : 25th August 2017

RULING

[Bail Variation]

1. The Applicant filed this Notice of Motion, seeking the following order that:

“The current bail conditions ordered by the Court on 14th October 2016 be varied to allow the Applicant, Fred Wesley, to travel to Sydney, Australia from 2nd September to 9th September 2017.”

2. The Notice of Motion is being supported by three affidavits of the Applicant, stating the grounds for this application. The Applicant states that he, being the Editor in Chief of the daily newspaper Fiji Times, is intending to attend a workshop on Media Industry, focusing on various important aspects of the industry. The workshop is scheduled to be held on the 6th of September 2017 in Sydney, Australia. The Applicant further stated in his affidavit that the Fiji Times newspaper is in a transition process of upgrading the digital version of

the newspaper. Hence, the participation of the Applicant as the Editor in Chief of the newspaper at this workshop is important.

3. Moreover, the Applicant further intends to attend to the “Newspaper of the Year Awards 2017”, that is scheduled to be held on the 6th of September 2017 and the “Advertising & Marketing Awards 2017”, scheduled to be held on the 7th of September 2017 as the Fiji Times newspaper has been listed as nominee for certain awards at the two award ceremonies.
4. He further intends to attend a study tour at the office of Daily Telegraph newspaper. Having stated the purpose of his propose visit to Sydney, Australia, the Applicant states that he only hold Fiji Citizenship and has no Citizenship in any other country. He provided details of his family, employment and community ties in Fiji.
5. The Respondent files written submissions and did not file any affidavit in opposition to this application. The Respondent in its written submissions stated that the State has no objections for this application on the grounds that the Applicant only possesses Fijian Passport and Fiji Citizenship. The State further stated that it understand the importance of the participation of the Applicant at this workshop and award ceremonies as the Editor in Chief of the Fiji Times Newspaper. The State submitted that it does not perceive the Applicant a flight risk.
6. Having considered the above grounds, I find the Applicant only holds the Fiji Citizenship and Fijian Passport. He is the Editor in Chief of the Newspaper; hence, his participation at this workshop and the award ceremonies is important as far as the newspaper is concern. He is married and has two children. They all live in Fiji. According to his family and employment background, I find that he has strong family and employment ties in Fiji.
7. Having considered the grounds of this application, the position of the State, I grant this application allowing the Applicant to travel to Sydney Australia on or after 2nd of September 2017 and to return to Fiji Islands on or before 9th of September 2017 on following conditions:

- i) The Applicant is allowed to travel to Sydney, Australia on or after 2nd of September 2017,
- ii) The Applicant is ordered to return to Fiji Islands on or before 9th of September 2017,
- iii) The Registry of the High Court is ordered to release the travel documents of the Applicant immediately,
- iv) The Applicant is ordered to surrender his travel documents to the Registry of the High Court immediately upon his return to Fiji Islands,
- v) The Applicant is ordered to enter into a Bail Security Bond of FJ \$2500 with two suitable sureties before he is released his travel documents,
- vi) The Registry of the High Court is ordered to inform and serve a copy of this order to the Immigration Fiji forthwith.




R.D.R.T. Rajasinghe
Judge

At Suva
25th August 2017

Solicitors
Office of Haniff Tuitoga for the Applicant
Office of the Director of Public Prosecutions for the Respondent