

IN THE HIGH COURT OF FIJI AT SUVA

In the matter of an application for bail
pending trial.

SULIANO ROKOSUKA

Applicant

**CASE NO: HAM. 146 of 2018
(HAC 134/2018)**

Vs.

STATE

Respondent

Counsel : Ms. L. David for Applicant
Ms. S. Tivao for Respondent

Hearing on : 30th July 2018

Ruling on : 20th August 2018

BAIL RULING

1. This is an application for bail pending trial. The applicant is charged with one count of aggravated robbery contrary to section 311(1)(a) of the Crimes Act which is an offence punishable with an imprisonment term of 20 years.
2. It is alleged that the applicant committed the offence with others. The applicant had been arrested by the police while he was assaulting the complainant as the complainant's cousin had brought a police officer to the scene. The complainant had informed the police that the applicant took his phone and \$30 cash.

3. The respondent objects to bail stating *inter alia* that;
 - a) The applicant is charged with a serious offence; and
 - b) The applicant has a pending case before the magistrate court.

4. I note that the applicant had admitted assaulting the complainant in his cautioned interview and he had stated that the complainant assaulted him first. The items alleged to have been stolen were not in the applicant's possession when he was arrested at the scene. The applicant has now been in custody for more than 4 months.

5. Considering all the circumstances of this case I am not convinced that the case against the applicant on the offence he is charged with is strong to the extent for this court to conclude that there is a flight risk in this case. Moreover, given the circumstances of this case and the applicable law I do not find this as an appropriate case to deny bail for the applicant.

6. In the circumstances, the applicant is granted bail subject to the following conditions;

The Applicant should;

- a) sign a personal surety bond of \$1000;
- b) appear in case No. HAC 134 of 2018 on every court date;
- c) not commit any offence whilst on bail;
- d) provide clear details of the residential address and reside at that address until the conclusion of the case, HAC 134 of 2018;
- e) not change the aforementioned address provided to court without the leave of the court;
- f) not interfere with prosecution witnesses either directly or indirectly;
- g) surrender all travel documents to court if any;

- h) not apply for any travel document and should not leave Viti Levu until the conclusion of the case HAC 134 of 2018;
 - i) report to Lami Police Station on every other Wednesday between 6.00am and 6.00pm, commencing from 22/08/2018;
 - j) provide two sureties acceptable to court and each surety to sign a bond of \$1000 to ensure that the Applicant complies with his bail undertaking.
7. The applicant is warned that his failure to appear in court as per the bail conditions may lead to his trial taking place in his absence apart from any other consequences he will have to face due to such failure to surrender to bail.



Vinsent S. Perera
JUDGE

Solicitors;

Legal Aid Commission for the Applicant.
Office of the Director of Public Prosecutions for State.