

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL MISCELLANEOUS JURISDICTION

CRIMINAL MISCELLANEOUS CASE NO: HAC 364 OF 2018

BETWEEN : **SAKEASI RADRAVU**

Applicant

AND : **STATE**

Respondent

Counsel : Applicant in Person
Mr. E. Samisoni for Respondent

Date of Ruling : 11th March, 2019

BAIL RULING

1. This is an application for bail pending trial.
2. The Applicant is charged with one count of Robbery, an offence punishable under the Crimes Act.
3. The State is objecting to the application on two grounds, namely that the Applicant is likely to reoffend whilst on bail and that he will interfere with a witness for prosecution.

4. There is no dispute that the Applicant has one previous conviction of similar nature and five pending cases in the magistracy, two of which are of similar nature.
5. The present charge in the substantive matter was brought when the Applicant was already charged for two offences of similar nature.
6. The Court concedes that the Applicant is entitled to be considered innocent until he is proven guilty in the present matter and also in the matters pending in the Magistrates Court. However, in the absence of any allegation of malicious prosecution on the part of the police, the court, for the purpose of bail determination, is entitled to form the view that there is some evidential basis for those pending cases.
7. The fact that the Applicant has one previous conviction and two pending cases of similar nature is sufficient enough for this court to form the view that the Applicant has a tendency to commit similar offences in future, if he is released on bail. In balancing the individual rights of the Applicant against those of the general public, the court takes the view that it is in the interest of the justice that bail should be denied to the Applicant.
8. The Applicant has cited number of cases where the court has granted bail to recidivists in the past. The relevancy of those cases to the present application should be considered in the context of current criminal tendency in Fiji where robberies are omnipresent, that has threatened the proprietary rights of innocent individuals, and also in light of court's case management strategy currently in place aimed at ensuring a speedy trial to anyone who is charged with a robbery.
9. The State is also concerned that there is a strong likelihood that the Applicant will interfere with one of the witnesses for prosecution who happened to be Applicant's *de-facto* partner at the time of the offence.

10. In light of State's claim that there is a strong case against the Applicant, equipped with eye witness accounts, it is the considered view of this court that there is a real likelihood that the Applicant will not appear in court to face the trial, if his enlarged on bail.
11. Considering Applicant's past criminal record, strength of the prosecution's case and the likelihood of Applicant interfering with prosecution's witness, it is in the interest of justice that bail is denied to the Applicant.
12. For the reasons given, I refuse to grant bail to the Applicant. The case will be fixed for hearing on the earliest available date.
13. Order- Bail refused.
14. 28 days to appeal.

A handwritten signature in black ink, appearing to read "Aruna Aluthge".

Aruna Aluthge

Judge

At Lautoka

11th March, 2019

Solicitors: Applicant in Person

Office of the Director of Public Prosecution for the Respondent