

IN THE HIGH COURT OF FIJI
AT SUVA
[CRIMINAL JURISDICTION]

CRIMINAL MISC NO: HAM 047 OF 2020

BETWEEN : **ILIESA CUANILAWA**

AND : **STATE**

Counsel : **Accused in Person**
Ms S Swastika for the State

Date of Hearing : **25 May 2020**

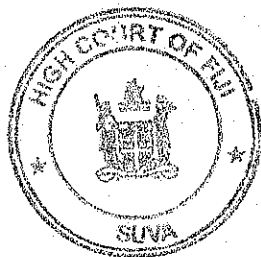
Date of Ruling : **1st June 2020**

RULING

- [1] The Accused is charged with aggravated robbery, assault with intent to commit rape and rape. He has pleaded not guilty to the charges. His trial is pending. He seeks bail.
- [2] The State objects to the granting of bail. The grounds for objection are set out in the affidavit of D/Sgt Arvind.
- [3] There is a presumption in favour of the granting of bail unless it is not in the interests of justice that bail should be granted. The primary consideration is whether the Accused is likely to appear for his trial. Other considerations are the interests of the Accused and the public interest and the protection of the community.
- [4] The allegations arose on 27 February 2019 at Vuci Road, Nausori. The complainant is a young mother. She was allegedly robbed and raped by an intruder in her home while her husband was at work. The prosecution case is that the complainant identified the Accused

as the intruder in a subsequent police identification parade. Apart from the eye witness account there is medical evidence to support the charges.

- [5] The charges are serious and the prosecution case is potentially strong. The Accused does not have a stable employment or strong community ties. He has convictions for burglary, theft, possession of illicit drugs, forfeiture of bail bond and criminal trespass since 2007. His last conviction was in 2016 for criminal trespass.
- [6] The Accused had been in custody since his arrest in February 2019. Initially, he chose to represent himself but when the trial date came closer he changed his mind and decided to engage a private counsel of his choice. The trial was vacated to allow the Accused to secure legal representation.
- [7] After taking all these matters into account the Court is satisfied that the Accused is unlikely to appear for his trial and that due to his criminal record he would make the protection of the community more difficult, if he is released on bail. It is not in the interests of justice to grant the Accused bail.
- [8] Bail refused.



A handwritten signature in black ink, appearing to be "D. Goundar", written over a horizontal dotted line.

Hon. Mr Justice Daniel Goundar

Solicitors:

Accused in Person

Office of the Director of Public Prosecutions for the State