

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

**CRIMINAL MISC NO. HAM 125 OF 2022**  
**HC Criminal Case No. HAC 138 of 2022**

**BETWEEN** : **ISIKELI TIKOICINA**  
**IOWANE BENEDITO**

**AND** : **STATE**

**Counsel** : Mr T Varinava for the 1<sup>st</sup> Applicant  
2<sup>nd</sup> Applicant in Person  
Ms S Nisa for State

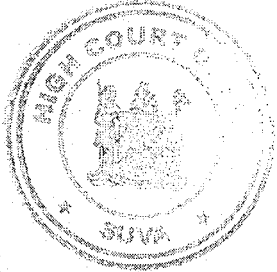
**Date of Hearing** : **1 July 2022**  
**Date of Ruling** : **1 July 2022**

**RULING**

- [1] The applicants are charged with one count each of aggravated burglary and theft. They seek bail pending trial.
- [2] The allegations are serious. The charges allege that on 11 April 2022 the applicant in the company of each other entered the dwelling house of the victim at Caubati with the intent to commit theft. They stole mobile phones and a motor vehicle.
- [3] The maximum penalty prescribed for aggravated burglary is 17 years imprisonment. If the applicants are convicted they are potentially facing a custodial sentence.

- [4] The first applicant is 27 years old. He does not appear to have a stable employment. He does not have any previous convictions but he does have a pending case in the High Court in which he is facing similar charges. The first applicant allegedly offended while on bail. He had been in custody on remand since his arrest on 13 April 2022.
- [5] The State objects to the granting of bail saying that the applicants are unlikely to attend court if they are released on bail. The investigating officer has filed an affidavit stating that the first applicant was caught driving the alleged stolen vehicle and when the police officer tried to stop him he evaded the police. The first applicant was eventually arrested from his home.
- [6] The applicants are presumed to be innocent. Hence, there is a presumption in favour of the granting of bail unless that presumption is rebutted by the party opposing bail. The primary consideration is whether the applicants are likely to turn up for their trial.
- [7] The truth of the charges is a matter for trial. Given the strength of the prosecution case and the potential sentence if the applicants are convicted of the charges, they are unlikely to turn up for their trial if they are released on bail.
- [8] Further, the first applicant allegedly committed an arrestable offence while on bail in another case. Granting bail to the applicant would endanger the public interest or make the protection of the community more difficult.
- [9] The second applicant made his application for bail in person. He has a total of 15 previous convictions, including convictions for robbery, escaping from lawful custody and resisting arrest. He is unlikely to turn up for his trial and granting bail to him would endanger the public interest or make the protection of the community more difficult.

[10] Bail refused.



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

Hon. Mr Justice Daniel Goundar

**Solicitors:**

Office of the Director of Public Prosecutions for the State

Legal Aid Commission for the 1<sup>st</sup> Applicant

2<sup>nd</sup> Applicant in Person