

IN THE HIGH COURT OF FIJI
AT SUVA
MISCELLANEOUS JURISDICTION

Misc. Case No: HAM 194 of 2024

Between: **STATE**

Applicant

And: **VINOD KUMAR**

Respondent

Submissions: 31st July 2024 and 14th August, 2024

Ruling: 23rd September, 2024

Counsels: Ms P. Mishra for State

Mr. I. Khan for Respondent

Ruling [Revocation of Bail]

1. The State makes an application for the **revocation of bail**. The supporting affidavit of WDC 4894 Ulamila dated 15th July 2024 states that the Respondent's brother namely Salen on 26th June, 2024 took the complainant to an office in Valelevu. Complainant informed the Deponent that she met an Indian man believed to be a lawyer.
2. WDC Ulamila further states that the complainant namely Ayza Katherine Kumar informed her that she was asked of her name, date of birth, age and that of her sister's too. She also saw the lawyer taking out papers from his bag. Ms. Kumar further informed her that she was unaware as to what was written in those papers. She was not provided with opportunity to read same but she was given papers to sign. That Salen whom she calls "Dada" told her that if she told the Court what he told her, he will give back her family. A copy of her affidavit and statement dated 26th June, 2024 and 18th June, 2024 were annexed herewith. The complainant confirmed that the evidence she gave in court was the truth.
3. In that statement addressed to the court, Ayza Katherine states that her father Vinod Kumar is innocent and he has not done anything wrong to her. She had wanted to go and sleep with her grandmother and that was why she lied to her mother that her father had done something wrong to her. She was not aware that her mother went and reported the matter to the police.

4. The respondent disputes this. The Respondent, Vinod Kumar in his affidavit in response states that her elder daughter who is the complainant ran away from her mother. She called him to pick her up as she does not want to stay with her mother and step father.
5. He went to the Police Station and reported the matter. With the assistance of his cousin he took the complainant to the Nausori Police Station. The Police officers enquired from the complainant as to whom she wishes to live with and she responded with him. The Police officers then directed the complainant to live with him.

Analysis

6. There is no dispute that there was a conversation between the Respondent and the complainant and the Respondent knew it was improper. The Respondent was well aware that one of his bail conditions was not to interfere with Prosecution witnesses. Yet he took the complainant to the Police Station and allegedly states that the Police officers directed that the complainant resides with him.
7. Such a conduct is enough to justify revocation of bail.
8. Section 3(4)(a) of the Bail Act, 2002 states as follows;

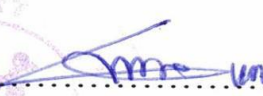
“4. The presumption in favour of the granting of bail is displaced where –

- (a) the person seeking bail has previously breached a bail undertaking or bail condition.”

Conclusion

9 I order as follows:-

- (a) That the Respondent be remanded in custody.


Waleen M George
Acting Puisne Judge

The signature is in blue ink and is written over a circular purple stamp. The stamp contains the text 'HIGH COURT' at the top and 'SUVA' at the bottom, with a central emblem depicting a group of people.

Dated at Suva this 23rd September, 2024

**Solicitors: Office of the Director of Public Prosecution for Applicant
Iqbal. Khan & Associates for Respondent**