

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO: HAC 187 OF 2025

BETWEEN : RIHAAL KUMAR

APPLICANT

AND : STATE

RESPONDENT

Date of Hearing : 22 July 2025

Date of Ruling : 22 July 2025

Counsel : Ms B Kantharia for the State

Mr M Anthony with Mr M Bancot for the Accused

RULING

(Bail Denied)

- [1] The Accused is charged with murder. He seeks bail pending trial.
- [2] The State objects to the granting of bail. The grounds for objection are set out in the affidavit of D/Cpl Asaeli Tuivuaka, filed in Court on 23 July 2025.
- [3] Under the Bail Act, the primary consideration is the likelihood that the Accused will appear in court for trial. However, other relevant considerations, as listed in section 17 of the Bail Act include the interests of the Accused and the protection of the community.

- [4] The Accused is a young person, aged 18 years old and currently a High School student. He has no criminal history or history of absconding. He has proposed his father and uncle as his sureties.
- [5] However, I consider that bail should nevertheless be refused. The charge is murder and if convicted he is facing mandatory life imprisonment.
- [6] The prosecution case is that the alleged killing was premeditated. The Accused allegedly made contact with the victim through social media and agreed to meet him at his home on 7 July 2025. The victim was a male in his twenties. There is some evidence that the meeting was for the purpose of a sexual encounter, however, the Accused has given an account to the police that he went to the victim's home because the victim had promised him a job.
- [7] When the Accused went to the deceased's home, he took a knife with him, which he had asked his father to sharpen five days prior to the incident. He also took a gallon of kerosene to the victim's flat. The prosecution says this evidence indicates that the Accused had pre-planned the killing as there is no other logical narrative for why he took a weapon with him even if the purpose of the meeting was to discuss a prospective job.
- [8] The victim's relative resided next to him. Upon hearing a commotion from the victim's flat, he went to inquire but was unable to gain access. He contacted the police for assistance.
- [9] The police and the victim's relative found the victim lying in a pool of blood with multiple stab wounds. The victim was dead, and the Accused allegedly confessed to both the relative and a police officer that he had killed the deceased with a

dagger that he brought with him. Under caution, he maintained his alleged confession.

[10] I am mindful that the veracity of the evidence against the Accused is yet to be tested, and that he is presumed innocent until the charge is proven by the evidence led by the prosecution. The Accused has already engaged private counsel of his choice to defend the charge. The trial could be held within twelve to eighteen months' time.

[11] All things considered, on the material before me, it appears that the prosecution has a strong potential case against the Accused. I have no doubt that the Accused must realize this and one cannot ignore the possibility that faced with a serious charge and serious consequences upon conviction, that the temptation not to answer bail at trial would be nothing short of overwhelming.

[12] I am satisfied that it is not in the interests of justice to release the Accused on bail. The Accused will remain in custody on remand pending trial. A priority trial date will be assigned to this case.



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Hon Mr Justice Daniel Goundar

Solicitors:

Office of the Director of Public Prosecutions for the State

Millbrook Hills Law Partners for the Accused