

**IN THE HIGH COURT OF FIJI**

**AT SUVA**

**CRIMINAL JURISDICTION**

**Criminal Case No. HAC 140 of 2024**

**BETWEEN : APISAI DRIU MADIGIBULI**

**Applicant**

**AND : STATE**

**Respondent**

**Counsel : Applicant in person**

**Ms M Naidu for the State**

**Mr Varinava as Friend of the Court**

**Hearing : 26 August 2025**

**Judgment : 9 September 2025**

**JUDGMENT**

**(Application for Bail Pending Trial Under the Bail Act 2002)**

[1] This appears to be the third application by the accused for bail. His initial application for bail was denied on 14 November 2024.

[2] In light of the previous denial of bail, in order for the applicant to succeed with the new application he must show that there has been a change in his circumstances to justify the grant of bail. In his bail application dated 4 August 2025, the accused refers to the fact that the seriousness of the charge is not a basis to decline bail, that

the charges are allegations only at this stage until proven, and that he seeks bail to be with his daughters and support them. These are not new matters.

- [3] What is new is that the accused's trial date has been pushed out to 6 April 2026 and that he will have been on remand for almost two years by this time. Also, he has dismissed his Legal Aid Commission (LAC) lawyer. The accused states that he wishes to instruct a private lawyer and needs to obtain employment to be in a position to afford this. Also, the accused claims that being in remand he is deprived of a fair environment within which to prepare his defence. For example, there is no internet access in remand and the remand center is overcrowded; there is a shortage of beds and other basic necessities.
- [4] The State opposes bail and relies on the affidavit of Corporal Manasa Tulevu of 25 August 2025.
- [5] The amount of time that the accused will have spent on remand by the time of trial is a concern for the Court. However, the accused is responsible for this latest delay. At the conclusion of the voir dire in July, as the trial proper was about to start, the accused dismissed his counsel and indicated that he wished to represent himself. Further, the accused stated that he needed time to prepared for trial. The accused was advised that a new trial date could not be fixed until 2026 but he nevertheless wished to vacate the scheduled trial.
- [6] As for the difficulties the accused will face with the limited resources at his disposal in remand again that is a result of the choice the accused has made.


[7] I remain of the view that the accused remains a risk to the community if bail is granted and can do no better than repeat the following concerns expressed in my ruling of 14 November 2024, when I initially declined bail:<sup>1</sup>

*...it is a combination of the seriousness of the charge and the strength of the case against the Accused that persuades the Court that it is not in the public interest to release the Accused on bail. If found guilty, the Accused will receive a lengthy term of imprisonment and this raises the risk of abscondment. I also have a concern over the safety of the community and the victim's family in light of the savageness of the murder.*

[8] Accordingly, the accused's application for bail is declined.

[9] The accused has 30 days to appeal to the Court of Appeal.



  
D. K. L. Tuiqereqere  
JUDGE

**Solicitors:**

Office of the Director of Public Prosecutions for the Respondent.

Office of the Legal Aid Commission as Friend of the Court.

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<sup>1</sup> At [13].