

**IN THE MAGISTRATES' COURT OF FIJI**  
**AT SUVA**

CF No : 19/2026

EJ No : 4/2026

**BETWEEN**                   :                   **SANAILA DIDIGOGO**

**APPLICANT**

**AND**                               :                   **THE STATE**

**RESPONDENT**

**The Applicant: In Person**

**For the Respondent: Ms.T.Vakaloloma(ODPP)**

**Date of Hearing: 18 February 2026**

**Date of Ruling: 23 February 2026**

**RULING ON BAIL**

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**Introduction**

1. The applicant is charged with one count of Aggravated Robbery, contrary to section 311(1)(a) of the Crimes Act.
2. The High Court has conferred extended jurisdiction upon this Court to hear the matter. On 26 January 2026, the applicant entered a plea of not guilty to the charge.
3. The applicant has also filed a formal bail application.
4. The reasons advanced by the applicant are that his son, who is in Class 1, has no one to look after him; that there is no evidence against him; and that he is entitled to the presumption of innocence.
5. Initially, the State did not object to the application. However, the State later informed the Court that it would resist bail on the basis that the applicant has similar pending cases in other courts.
6. The State filed its response through an affidavit sworn by DC 5242 Aseli, the investigating officer in this case.
7. The Investigating Officer deposed that the State has a strong case against the applicant; that he has eight previous convictions, including three active convictions; that he has a pending matter in MC 4 for a property offence while on bail; and that the applicant has failed to provide sufficient details regarding his proposed sureties.

**The Law**

8. The right to bail is enshrined under of the 2013 Constitution of the Republic of Fiji<sup>1</sup>, as well as under the Bail Act 2002<sup>2</sup>, which collectively affirm that an accused person who is arrested or

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<sup>1</sup> s 13(1)(h)

detained has the right to be released on reasonable terms and conditions, pending charge or trial, unless the interests of justice otherwise require.

9. Section 3(3) of the Bail Act establishes a **presumption in favour of granting bail**, placing the onus upon the party opposing bail to rebut that presumption. However, pursuant to section 3(4), this presumption is displaced where an accused has previously breached bail conditions or is convicted and appealing that conviction.

10. The **primary consideration** in determining a bail application of the Act is whether the accused will appear in court to answer the charges.<sup>3</sup>

11. Additionally, section 19(1) of the Act outlines grounds for refusing bail, namely:

- a. **The accused is unlikely to surrender to custody and appear in court;**
- b. **Granting bail would not serve the interests of the accused; or**
- c. **Bail would endanger the public interest or hinder the protection of the community.**

12. In *Isimeli Wakaniyasi v State*,<sup>4</sup> his Lordship Justice Goundar held that the existence of any one of these grounds is sufficient to justify the refusal of bail; it is not necessary for all three to be established.

### **The Analysis**

13. The applicant has eight valid previous convictions, mostly related to property offences. Of these, three are active convictions for which he is currently serving suspended sentences. It appears that while on suspended sentences, he has re-offended.

14. Furthermore, the applicant is presently on bail in MC 4 for a theft charge. By appearing before this Court on the present matter, it appears that he has breached the conditions of his bail.

15. Therefore, considering his demonstrated propensity to re-offend and the pending case in MC 4 for a similar offence, I find that granting bail to the applicant would endanger the public interest.

16. Accordingly, bail for the applicant is refused.

17. **Twenty-eight (28) days** to Appeal.



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<sup>2</sup> s 03

<sup>3</sup> s 17(2).

<sup>4</sup>[2010] FJHC 20; HAM 120/2009.