



IN THE SUPREME COURT OF NAURU

**AT YAREN
CRIMINAL JURISDICTION**

Criminal Case 14/2020

BETWEEN

Republic

V

Joshua Scotty

Before: Chief Justice Filimone Jitoko

APPEARANCES:

Counsel for the Prosecution: S. Serukai
Counsel for the Defendant: V. Clodumar

Date of Hearing: 03rd August 2020
Date of Ruling: 03rd August 2020

Case may be cited as: *Republic v Joshua Scotty*

Catchwords: Bails Act 2018 – Sections 15, 31(7) of the Act – Review and variation of conditions.

RULING

1. This is the prosecution's application to vary the bail undertaking on 23rd July 2020, made by the accused, and specifically to *condition 1* of the bail conditions with respect to where the accused should reside pending hearing.

2. The application is made pursuant to the general powers of the court under section 15 of the Bails Act 2018 and specifically pursuant to section 31(7) of the Act, recognising the powers of this court to vary the bail undertakings through its review process.
3. There is no doubt that both the prosecution as well as the accused can apply to vary the bail undertakings pursuant to the provisions of the Bails Act, cited by the prosecution.
4. There is also no question that the powers to vary ultimately vests with this court.
5. Having read the application and its support documents in the form of the affidavits by Kelly Amram and Natalie Duburiya, to relocate the accused from "Land Portion 19 and 466 (Anibubu) and in the vicinity of NPC House No.36, and equally taking into account the position of the defence, including the affidavit by Ruby Moana Amram, opposing the application, and bearing in mind all the relevant factors under the Bails Act, that the court has to consider in determining whether bail should be granted or varied, I hereby grant the review and agree to the variation to the accused's undertakings.

ORDER

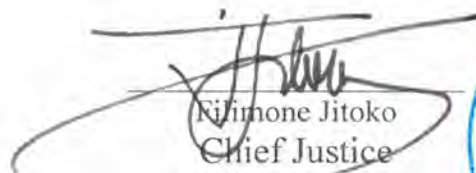
That *condition 1* of the bail undertaking is varied as follows:

(1) The accused is ordered to move and re-locate elsewhere from his present residence on Portion 19 and 466 (Anibubu), Denig District.

(2) The accused is given until Thursday 6 August, 2020 to find an alternative residence acceptable to the court and the court mindful that he has a family including children to consider.

(3) The matter is adjourned to Friday 7 August for the new residence, approved by the court to be incorporated into a revised bail conditions.

Adjourned to Friday 7 August 2020 at 10.00am for mention.


Fijimone Jitoko
Chief Justice

