



**IN THE SUPREME COURT OF NAURU  
AT YAREN  
[CRIMINAL JURISDICTION]**

**Criminal Case No. 05 of 2023**

**BETWEEN:** THE REPUBLIC

**PROSECUTION**

TANGO TALEKA

**ACCUSED**

**BEFORE:** Keteca J

**Date of Submissions:** 06<sup>th</sup> August 2025

**Date of Sentence:** 08<sup>th</sup> August 2025

**Catchwords:** Bail Application

**Appearances:**

Counsel for the Prosecution: **W. Deiye**

Counsel for the Accused: **R. Tagivakatini**

**RULING**

**BACKGROUND**

1. The accused is charged with one count of attempted murder: contrary to Section 55A(b) of the Crimes Act 2016 (the Act) and one count of Common Assault contrary to Section 78(1) (a) (i) and (b) of the Act.
2. On 30<sup>th</sup> July 2025, Counsel for the accused filed a motion and affidavit seeking that the accused be granted bail. The application is made pursuant to Sections 4B (5) and 13 of the Bail Act 2018.

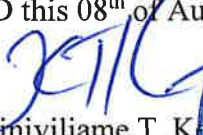
## THE APPLICATION

3. Section 4B of the *Bail Act 2018* provides:
    - ‘4B. Bail for certain offences in exceptional circumstances
    - (1) Subject to subsection (2), a court shall not grant bail, except in exceptional circumstances:
      - (a) On an application of a person charged with any of the following offences:
        - (i) Attempt to murder;
        - (ii) Manslaughter;
        - (iii) Causing harm to police officer’
        - (iv) Intimidating or threatening a police officer in the execution of the police officer’s duties; or
        - (v) Contempt of court under the *Administration of Justice Act 2018*; or
      - (b) He or she has previously breached a bail undertaking or condition;
      - (c) .....
    - (2) Subsection (1) shall not apply to an accused person who has been previously convicted by a court for one or more of the offences in subsection (1);
    - (3) Where an accused person is remanded in custody under this Section, the court shall direct the parties for an expeditious trial and conduct the hearing of the cause or matter;
    - (4) The onus of establishing exceptional circumstances under subsection (1) shall be on the accused person;
    - (5) An accused person, who is remanded in custody under this Section, may apply for bail on any of the grounds or reasons, other than exceptional circumstances under subsection (1), where the trial for the offence he or she is charged with has not commenced within 3 months of the date on which the information or charge was filed in court.**
4. Counsel refers to *Agege v Republic* [2022] NRSC 23; Criminal case 9 of 2022 (02 November 2022) where my brother Judge ACJ Khan’ accepted the following as exceptional circumstances:
  - i. Work commitments- the applicant was employed; and
  - ii. As the court diary was full, the trial could not proceed within 3 months.
5. In that case, bail was granted with \$1000 bail bond on his own recognisance. His mother was the surety for the same amount.
6. In the present case, the Information against the accused was filed on 23<sup>rd</sup> April 2025. The 3 months period expired on 23<sup>rd</sup> July 2025.
7. The State did not object to bail except that the surety, the grandfather of the accused was not suitable.
8. A hearing date is yet to be set. Defence Counsel seeks a date next year. The earliest date available is April 27<sup>th</sup> - 01<sup>st</sup> May 2026.

## CONCLUSION

9. The accused is released on bail in his own recognisance in the sum of \$1000.
10. His grandfather, David Peter Gadaraoa will be his surety for the same sum.
11. The bail conditions will be delivered to the parties separately.
12. The matter will be called for mention before the Registrar on 03<sup>rd</sup> October 2025 to check that the bail conditions are being complied with.

DATED this 08<sup>th</sup> of August 2025

  
Kiniviliame T. Keteca  
Judge

