

**IN THE MAGISTRATE'S COURT
OF THE REPUBLIC OF VANUATU
HELD IN PORT VILA, EFATE
(Criminal Jurisdiction)**

Case No. 25/902 CRML

PUBLIC PROSECUTOR

V

BOSCO ALICK

Date of Hearing: 30th April, 2025.

Coram: Snr Magistrate Fsam

Appearances: Mrs. Kanegai_G -- OPP

Mr. Amos.K.S.

RULING ON BAIL APPLICATION

1. The Defendant, Bosco Alick is provisionally charged with 1 count of domestic violence in contrary to section 10 (1) & 4(1)(b) of the Family Protection Act 2008, and from which a remand application was initiated against him and he was ordered into remand on the 4th of April, 2025.
2. Counsels appear today with prosecution having filed necessary information containing 2 counts of domestic violence and disclosed evidence against the defendant. The documents were filed and served on the office of the Public Solicitor on the same day.
3. Defence appears today seeking time to peruse the document and to obtain instruction.
4. This court noted that a pending application for bail was yet to be determined before the court, and as of last hearing, I had directed that bail application be heard today, while also having gone through the application and supporting documents.
5. Prosecution objected to the application, with reasons that the defendant is not a first-time offender, and that he had been sentenced to an earlier similar offending by the Supreme court on the 11th of April, 2024, to one count of intentional assault causing temporary injury and one count of domestic violence. The case being referred to is *Supreme Court criminal case No. 227 of 2022 PP v Bosco Alick*. The victim in this case is the same victim in the matter before us, being the defendant's wife. In the cited case, he was ordered to serve a

prison term of 10 months concurrent sentence for the two counts, however Judge Goldsbrough had ordered his sentence suspended for two years.

6. The defendant allegedly reoffended, on the 24th August, 2024, a period in which he was still serving his suspended sentence, adding to further two counts of domestic violence as against him in the matter before us. And as a result, prosecution strongly oppose bail.

7. Prosecution further submitted that there is no assurance, despite a written statement by a surety, that if the defendant be released on bail, he will not reoffend, and given the nature of offending where he used weapons again, similarly to his previous offending, shows lack of respect on his part to court orders or the law for this matter, and no respect even to his family members, especially his wife in this matter. And prosecution submits that if he be released on bail, that there is a high possibility that he will reoffend or interfere with their witnesses, including the complainant in this matter.

8. In reply, defence submit on their client's presumption of innocence, and in respond to interferences, that if the defendant be granted bail on strict conditions he will comply with same and will not reoffend or interfere because he understands the consequences of breaching such conditions.

9. While I consider also the defendant's right to his presumption of innocence, I have weighed both submissions and find that the risks clearly outweigh the notion that the defendant will comply with any given orders or bail conditions if that be so granted.

10. And I am of the view that if the current charges against the defendant were proven against him, there is a high possibility that his current suspended sentence may be activated and he may be ordered to serve the term of sentenced imposed upon him by the superior court.

11. And clearly, there is no assurance before this court, through the defence application on his behalf, or through supporting documents, that according the defendant bail, will ensure he complies in any way. The current alleged offending clearly shows his clear lack of respect for the law and if he can show such disregard to court orders, I don't see how granting him to strict bail condition will be any different.

12. I also point out to the defence counsel that the matter is pending plea hearing given the charges of domestic violence against him in this matter, and considering their submission on the defendant's presumption of innocence, but according to the evidence contained in the notice of disclosure, Prosecution has a possible strong case from which a likely conviction may be entered against the defendant.

13. And as regards the issue of breach of the defendant's suspended sentence, I direct that Prosecuting counsel makes a proper application before the supreme court Judge responsible to decide on this.

14. Given the necessary factors taken into consideration, I am of the view that if the defendant be granted bail, there is a high possibility that he may reoffend or that he may interfere with prosecution witnesses, and that there is no assurance that granting him bail to strict conditions will allow strict adherence on his part given his alleged re-offending to the same complainant as with his earlier case.

15. Therefore, upon being so satisfied, I refuse bail, however the defence is directed to file a fresh application to the supreme court if they are not happy with my decision.

16. That his remand warrant is extended accordingly.

DATED AT PORT VILA this 30th April, 2025.

BY THE COURT

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Snr. Magistrate