

PUBLIC PROSECUTOR

V

JUANAISE VATU

Date of Hearing: 19th February, 2026.

Coram: Senior Magistrate Fsam

Appearances:

Mr. Christopher S.- OPP.

Ms. Barbara T. – Defence.

RULING ON APPLICATION FOR REVOCATION OF BAIL

1. The defendant, Mr. Juanaise Vatu is jointly charged with the defendant Mr. Keven Heromanley in this case, with one count of unlawful entry of a dwelling house, and complicity to theft.
2. Prosecution is ready for a committal hearing, however Mr. Vatu has failed to make the required appearance, after having being granted bail by this court in April of 2025. And I take note that PI documents have been filed since October 2025, with defence counsel also being served with the same.
3. Prosecution raised their concern as to the difficulty in summoning the defendant throughout this proceeding, because of the change in his known residential location. And given this situation, Prosecuting counsel makes an application for revocation of the defendant's bail.
4. Mr. Shem made reliance on the defendant's bail application where the defendant had stated that there is no risk of the defendant not attending court, given he will be placed under his surety Mr. Kalisto Heromany who resides at Radio Station area. And upon being granted bail, he was ordered to reside with this surety in the given location, as is reflected in condition 'd' of his bail conditions. However, given recent report from the police officers who had made several failed attempts in locating or summoning the defendant to court, in the past listings in respect of this case, the defendant had moved from the ordered residential address, and is now currently residing at Beleru area.

5. And given his change of ordered residential address, Mr. Shem states that the defendant's act is a direct contravention of his bail condition, also reflecting his avoidance of service of summons, and on this basis Prosecution is seeking this court to revoke the defendant's bail and to issue a warrant of arrest in pursuant to section 45 of the Criminal Procedure Code.

6. Defence counsel concedes with the prosecution's submission on breach of the defendant's condition 'd' of his bail orders, and submits on the defendant's absence being due to changes of defence counsel and possible lack of communication to the defendant or through his surety of given listings before this court. Ms Taleo also made reference to the absence of a resident senior magistrate in Luganville as a reason for the delay in having this matter finalised before this court.

7. I find however, that despite changes of legal representation for the defendant, this is not a good enough reason for defence counsel to rely on or to explain the reason for the defendant's absence, as he was placed under a surety, and if anything, he could have come to court to enquire in person if not through his counsel, or surety, on any progress of the matter. There is also no record or submission on whether or not he had been committing himself to condition 'h' as well in signing in at the police station, however it is highly likely, given the circumstances, that he has not been doing so.

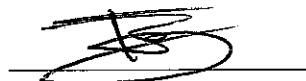
8. On the point of unavailability of a senior magistrate, while it is true there was no senior magistrate in luganville a few months back, committal hearing were still managed in Vila through teleconferences, so the only possible explanation for the delay, I find is due to the defendant never appearing in court when required, and given his change in current residential location, it is to my satisfaction, a direct breach of his bail condition 'd', and clear attempts on his part to avoid service of summons.

9. And having so considered, I am satisfied with the Prosecution's application and I **HEREBY ORDER:**

- 1) That the defendant's bail granted on April, 2025 is hereby revoked.
- 2) That an arrest warrant is issued as a separate document in respect of the defendant in this case.
- 3) That this matter is listed for Committal Hearing on the 12th of March, 2026 at 9:00 AM.

DATED AT LUGANVILLE this 19th of February, 2026.

BY THE COURT



Senior Magistrate