

IN THE HIGH COURT OF FIJI
AT LAUTOKA
MISCELLANEOUS JURISDICTION

CRIMINAL MISCELLANEOUS CASE NO. HAM 027 OF 2015

BETWEEN : **VILIAME ROCATIKEDA**
Applicant

AND : **STATE**
Respondent

Counsel : **Applicant in person**
Mr. Niudamu. J. for Respondent

Date of Hearing : **11th of March 2015**

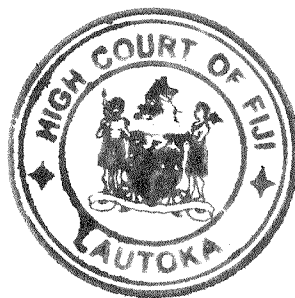
Date of Ruling : **18th of March 2015**

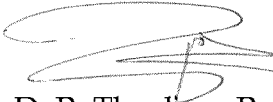
Bail Ruling

1. The Applicant made this bail application pursuant to section 14 (1) and 30 (7) of the Bail Act. This is the third bail application of this Applicant, where all of his previous applications have been refused and dismissed.
2. This application is founded on ground that he needs to look after his aging parents and his son got from his de facto relationship.
3. The Respondent objected for this application and stated that these grounds were considered by the court in the applicant's previous bail applications. The

applicant was charged for this offence, while he was on bail in another criminal action which is pending in the Nadi Magistrates court. Therefore, there is likelihood that the applicant might commit another offence while on bail.

4. Section 14 (1) of the Bail Act (herein after referred as the Act) allows an accused person to make any number of application for bail. However, in view of section 30 (7) of the Act the court could refuse to hear a fresh application for bail, if it is not satisfied that there are special facts or circumstances that justify the making of afresh application. Accordingly, it appears that the accused person is first required to satisfy the court the existence of special facts or circumstances under which he made this new application after his unsuccessful previous bail applications. Once he satisfies this threshold test, then the court could hear the bail application according to the applicable provisions in the Bail Act.
5. It appears that ground stipulated in the application have been already considered by the court in his previous two bail applications. Accordingly, I find there is no special or change of circumstances which fall within the meaning of section 30 (7) of the Bail Act. I accordingly refuse and dismiss this application of the applicant.




R. D. R. Thushara Rajasinghe
Judge

At Lautoka
18th of March 2015

Solicitors : Applicant in person
Office of the Director of Public Prosecutions