

IN THE HIGH COURT OF FIJI

AT LAUTOKA

MISCELLANEOUS JURISDICTION

CRIMINAL MISCELLANEOUS CASE NO. HAM 04 OF 2015

BETWEEN : ASAERI NATAQIRI

Applicant

AND : STATE

Respondent

Counsel : Applicant in person

Ms. Fatiaki J for Respondent

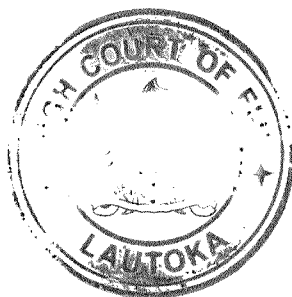
Date of Hearing : 8th of April 2015

Date of Ruling : 17th of April 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 second bail application of this Applicant.
2. The main ground for this application is that his explanation for his failure to attend court on 14th of October 2013. He promised that he will not repeat the same.

3. The prosecution filed their objection. Their objection is founded on the ground of the applicant has already breached his previous bail condition, wherefore his presumption in favour of bail has been displaced.
4. It appears that the applicant was granted bail on 20th of June 2013. However, he failed to appear in court on 14th of October 2013. Since then he had not made any attempted to surrender into the court or to the Police until he was arrested by police on 17th of February 2015.
5. In view of the facts discussed above, it is my opinion that the presumption in favour of the bail has been displaced due to the breach of his previous bail condition. The applicant had not made any effort to surrender to the court or to the police if he actually found no transportation to travel to court on 14th of October 2013. However, he chose not to do such and finally he was arrested by the police after nearly one and half years of his absconding.
6. Having considered the reasons set out above, I refuse this bail application of the applicant on the ground of unlikelihood of surrender to custody and the public interest pursuant to section 19 (2) (a) and (c) of the Bail Act.



R. D. R. Thushara Rajasinghe
Judge

At Lautoka
17th April 2015

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