

**IN THE HIGH COURT OF FIJI**  
**AT SUVA**  
**[CRIMINAL JURISDICTION]**

**CRIMINAL MISCELLANEOUS NO. HAM 397 OF 2019**  
**(High Court Case No. 63 of 2018)**

**BETWEEN** : **RUSIATE ROKOBULOU**

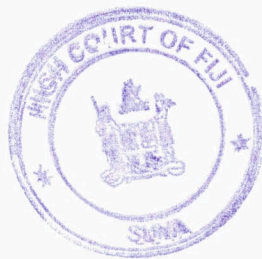
**AND** : **THE STATE**

**Date of Ruling** : **12 December 2019**

**SUMMARY DISMISSAL RULING**

- [1] The Accused is charged with aggravated robbery. He has entered a plea of not guilty.
- [2] On 9 March 2018, the Court released him on bail pending trial (Cr. Miscellaneous No. 45 of 2018). Thereafter, he absconded until 21 September 2018 when he appeared in court and produced a medical certificate to justify his non-appearance. The medical certificate did not cover the entire duration when the Accused was at large. My brother Justice Morais revoked bail and in a ruling delivered on 23 January 2019 refused a subsequent application for bail on the grounds that the Accused did not provide a reasonable excuse for absconding and that it was not in the interests of justice to release him on bail (Cr. Miscellaneous No. 323 of 2018).
- [3] The Accused made another attempt for bail, and on 2 October 2019, my brother Justice Aluthge refused that application (Cr. Miscellaneous No. 296 of 2019). He made a further attempt for bail before Justice Aluthge, but that attempt failed on 29<sup>th</sup> November 2019 when His Lordship dismissed the application on the ground that it was frivolous (Cr Misc. HAM 373 of 2019).

- [4] This fresh application for bail was filed on 22 November 2019 by the Accused in person. He seeks bail on the grounds that he is the sole breadwinner for his family and that if bail is not granted his family will face hardship.
- [5] Section 14(1) of the Bail Act (the Act) permits an accused to make any number of applications to a court for bail. However, the court has power to summarily dismiss frivolous or vexatious applications pursuant to section 14(2) of the Act. Section 30(7) of the Act requires an accused to establish special facts or circumstances in a renewed application for bail.
- [6] The fact that the Accused's family may be facing hardship due to his incarceration is not peculiar to his family only. Incarceration adversely affects the families of all remandees. The Accused has not shown any special fact or circumstance for this Court to reconsider its earlier decision refusing bail.
- [7] I have to come a conclusion that this fresh application is frivolous because it is bound to fail. The application is summarily dismissed under section 14(2) of the Bail Act.
- [8] The Accused and the State are to be served with a written copy of this ruling.



A handwritten signature in blue ink, consisting of a stylized 'D' followed by a horizontal line.

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**Hon. Mr Justice Daniel Goundar**

**Solicitors:**

Applicant in Person

Office of the Director of Public Prosecutions for the State