

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL MISCELLANEOUS JURISDICTION

CRIMINAL MISCELLANEOUS CASE NO: HAM 46 OF 2019

BETWEEN : ALIPATE KOLILOLA

Applicant

AND : STATE

Respondent

Counsel : Applicant in Person  
Ms. M. Konrote for Respondent

Date of Ruling : 28 May 2019

BAIL RULING

1. This is an application for bail pending trial.
2. The Applicant is charged with one count of Aggravated Robbery contrary to Section 311 (1) (a) of the Crimes Act 2009.

3. The Applicant has been in remand since 17th December, 2018. The substantive matter is yet to be fixed for trial. Given the state of the current trial diary, the substantive matter can be taken up for hearing within the next 6 months.
4. The State is objecting to the application on the basis that there is a strong likelihood that the Applicant will abscond and also reoffend if the Applicant were to be granted bail.
5. The State has formed the view for its objection on the basis of the previous conviction report filed in court. According to the said report, the Applicant has 4 previous convictions of similar nature and one two previous bail violations. The Applicant has been convicted of Absconding Bail and Breach of Bail Conditions. Furthermore, the Applicant is charged with the present offence whilst a suspended sentence was still pending in his record.
6. There is strong evidence to substantiate State's claim that the Applicant will reoffend and that he will not appear in court to face his trial.
7. For the reasons given, I refuse to enlarge the Applicant on bail.
8. The Application for bail is dismissed.
9. 30 days to appeal to the Court of Appeal.



  
Aruna Aluthge  
Judge

At Suva

28 May 2019

Solicitors: Legal Aid Commission for Applicant

Office of the Director of Public Prosecution for Respondent