

IN THE HIGH COURT OF FIJI
AT SUVA
CRIMINAL JURISDICTION

Crim. Miscellaneous Case No: HAM 56 of 2025

BETWEEN: **LEONE LESUMAILEPANONI** **APPLICANT**

A N D: **THE STATE** **RESPONDENT**

Counsel: Ms. L. Bilivalu for Applicant
 Mr. S. Seruvatu for Respondent

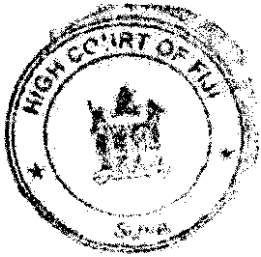
Date of Ruling: 24th July 2025

BAIL RULING

1. The Applicant files this application for bail on the grounds that he had to look after his family, and also the condition of the Remand Centre is unsatisfactory and unsafe for his health. The Applicant is charged with four counts of Aggravated Robbery, contrary to Section 311 of the Crimes Act.
2. The Respondent filed two affidavits of WDC Pasemaca Daugunu. The objections of the Respondent are mainly founded on the grounds of the unlikelihood of appearing in Court, the seriousness of the offence, the public interest and the protection of the community.

3. In pursuance of Section 13 of the Constitution and Section 3 (1) of the Bail Act, every person has a right to be released on bail unless it is not in the interest of justice.
4. The primary consideration in granting bail is the likelihood of the Accused person appearing in Court. Section 18 (1) of the Bail Act stipulates that a person making an application against the presumption in favour of bail must deal with the following grounds:
 - i) *The likelihood of the Accused person surrendering to custody and appearing in Court,*
 - ii) *The interest of the Accused person,*
 - iii) *The public interest and the protection of the community.*
5. Section 19 (2) (a) and (c) stipulates some of the circumstances that the Court must have to consider so as to determine the issue of likelihood of surrender to custody, and public interest, where it states that:
 - (a)
 - (i) *The Accused person's background and community ties,*
 - (ii) *Any previous failure by the person to surrender to custody or to observe bail condition,*
 - (iii) *The circumstances, nature and seriousness of the offence,*
 - (iv) *The strength of the Prosecution case,*
 - (v) *The severity of the likely penalty if the person is found guilty,*
 - (vi) *Any specific indication,*
 - (c)
 - (i) *Any previous failure by the Accused person to surrender to custody or to observe bail conditions,*
 - (ii) *the likelihood of the Accused person interfering with evidence, witnesses or assessors or any specially affected person,*
 - (iii) *the likelihood of the Accused person committing an arrest able offence while on bail.*

6. The Applicant is charged with serious offences. Additionally, the Applicant has one pending matter in the Nasinu Magistrate's Court concerning escaping from lawful custody. He has an adverse record with 10 previous convictions, two of which were recorded in the last ten years.
7. Having considered the seriousness of the offence and the conduct of the Applicant, I find that there is a substantial ground to believe that the Applicant is more likely to commit an offence whilst on bail and also that he may abscond from Court if bail is granted.
8. In view of these reasons, I refuse this application for bail on the grounds of the unlikelihood of appearing in Court, the seriousness of the offence, the public interest and the protection of the community.
9. Thirty (30) days to appeal to the Fiji Court of Appeal.



A handwritten signature in black ink, appearing to be "R. D. R. T. Rajasinghe".

.....
Hon. Mr. Justice R. D. R. T. Rajasinghe

At Suva

24th July 2025

Solicitors

Office of the Legal Aid Commission for the Applicant.

Office of the Director of Public Prosecutions for the Respondent.