

IN THE HIGH COURT OF FIJI

AT LAUTOKA

CRIMINAL MISCELLANEOUS JURISDICTION

MISCELLANEOUS CASE NO. HAM: 100 of 2025

In the matter of an application
for bail pending trial

BETWEEN :

DANIEL FRANCIS PRASAD

Applicant

AND :

STATE

Respondent

Counsel: Ms N. Sharma for Applicant

Mr J. Nasa for Respondent

Date of Hearing: 18 September 2025

Date of Ruling : 2 October 2025

BAIL RULING

1. In the substantive matter (HAC 59 of 2025), the Applicant is charged with one count of Murder contrary to section 237 of the Crimes Act.

2. The Applicant seeks bail pending trial. The Respondent opposes the application.
3. The Applicant has been in remand since 1 May 2025. The full disclosures are yet to be served.
4. The primary consideration in deciding whether to grant bail is the likelihood of the accused appearing in court to answer the charge against him¹. The charge against the Applicant is serious. It attracts life imprisonment if the Applicant is convicted. According to the affidavit of the Investigating Officer, there is a strong case against the Applicant. The State is relying on the full admissions made by the Applicant at his arrest and in his caution interview. It also relies on the testimonies of the Applicant's children who had been present at the alleged crime scene when the murder took place. Given these, there is a high likelihood that the Applicant would not show up for trial if bail is granted.
5. An application for bail should not be granted if the Court has a reasonable basis to believe that the granting of bail would endanger public interest².
6. The deceased in the substantive matter was the *de facto* partner of the Applicant. The deceased is also the mother of the Applicant's three children, Tishan Prasad 7 years old, Trinav Mishra 6 years old and Divans Anesh Mishra 3 years old. The children of the Applicant are vital witnesses for the prosecution. They are vulnerable witnesses because of their tender age and are affected persons of the alleged crime committed in a domestic setting³. The investigation is ongoing. Recording of witness statements are yet to be concluded. Should the Applicant be bailed, there is high likelihood that, he will directly and/or indirectly interfere with his children, the witnesses for Prosecution.
7. The Applicant says that he is a taxi driver and the sole breadwinner of the family. He is concerned that the wellbeing of his children would be badly affected if he is not granted bail. According to the Investigating Officer, the Applicant's children now reside with

¹ Section 19 (1) (a) of the Bail Act

² Section 19 (1)(c) of the Bail Act

³ Section 19(1) (d) of the bail Act

their maternal grandmother. They are under the supervision of social welfare officers and receiving financial support from the government.

8. Applicant has provided Malolo, Nadi as his current address. He has indicated his willingness to relocate himself and reside with his brother at Malolo, Nadi, away from home to ensure that his children will not be interfered with. However, the Investigating Officer has discovered that the Applicant's brother's spouse does not share a cordial relationship with the Applicant. As such, the Applicant residing with his brother and his brother's family will cause further domestic problems.
9. The Applicant is represented by a Counsel from the Legal Aid Commission who has access to the remand centre for consultations to prepare for Applicant's defence.
10. The Applicant has no previous convictions. However, he has three pending matters in Nadi Magistrates Court. Although the Applicant is entitled to be treated as being innocent until proven guilty in those cases, the Court is entitled to believe that the police would not have filed those cases unless there is sufficient evidence to maintain the charges for the alleged offences. The Applicant's tendency to re-offend whilst on bail shows that he is a person that cannot respect his bail conditions. It also shows that he has no respect for orders of the courts. There is a high propensity that the Applicant can re-offend whilst on bail, as indicative in his pending matters at Nadi Magistrates' Court.
11. The Applicant has spent approximately two months in remand. The substantive matter can be given priority and fixed for trial in the first quarter of 2026. The interest of the Applicant will not be prejudiced if he is not granted bail. Keeping the Applicant in remand is in the interest of justice.
12. The Application for bail is dismissed.



Aruna Aluthge

Judge

2 October 2025

At Lautoka

Solicitors:

- Legal Aid Commission for Applicant
- Office of the Director of Public Prosecutions for Respondent