

**IN THE HIGH COURT OF FIJI**  
**AT LABASA**  
**MISCELLANEOUS JURISDICTION**

**Crim. Misc. No. HAM 61 of 2025**

**BETWEEN:**                      **LAISENIA VOLANIKOLI**

**APPLICANT**

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

**RESPONDENT**

**Counsel:**                      **Mr. S. Tamanikaiqalikarua for the Applicant**  
   **Mr. N. Kumar for the Respondent**

**Date of Hearing:**    **6 November 2025**  
**Date of Ruling:**    **19 November 2025**

**BAIL RULING**

**Background**

1. Mr. Laisenia Volanikoli (“the applicant”) was arrested on 5 February 2025 and produced in custody before the learned Resident Magistrate at Labasa on a charge of rape. On 7 February 2025, the case was transferred to this Court and the applicant was remanded in custody.
2. On 17 February 2025, the prosecution sought time for Information and disclosures.
3. On 28 February 2025, I granted bail after the prosecution indicated that it did not oppose bail. The applicant was told to return to court on 18 March for plea.
4. On 18 March 2025, the prosecution requested, and was reluctantly granted, a final 7-day extension for Information and disclosures. The matter was

adjourned to 1 April 2025 for plea, and the applicant was told to return to court on that date.

5. An Information charging the applicant with a single count of rape was filed on 31 March 2025.
6. On 1 April 2025, the applicant failed to attend court and a bench warrant was issued.
7. The applicant was produced in custody on 8 July 2025 and entered a plea of not guilty. The matter was adjourned to 12 September 2025 for PTC.
8. On 12 September 2025, the applicant informed the court that he wished to engage private counsel. The trial was fixed for 15 to 19 June 2026, and a final PTC was fixed for 27 January 2026.

### **The application**

9. By Notice of Motion filed on 17 October 2025, the applicant seeks bail pending his trial. He relies on his affidavit filed on the same date, and on comprehensive written submissions filed on his behalf by Sushil Sharma Lawyers on 29 October 2025 (“SSL submissions”).
10. It is not necessary for me to address every argument advanced in the SSL submissions in this Ruling, but I have had regard to all the points advanced on the applicant’s behalf.
11. The applicant is 35 years of age and living with his partner in a *de facto* relationship. They have an 8-year-old child. He apologises profusely for having breached his conditions of bail in failing to attend court as required. He explains that his breach of bail was borne of financial hardship and parental necessity, which he describes as “*universally recognized human obligations.*” He was faced with “*an impossible choice*” between ensuring the safety and supervision of his child – due to his partner’s unavoidable work schedule and the prohibitive cost of last-minute childcare – and appearing in court. He also claims not to have been notified of his next scheduled court attendance.

12. The applicant deposes that his time in the remand centre has served as a powerful, sobering period of reflection.
13. He asserts that he has a meritorious defence and claims that he will have difficulty in communicating with his counsel if bail is not granted.
14. The prosecution objects to bail and relies on the affidavit of the Investigating Officer, D/Cpl 5302 Connie filed on 6 November 2025.
15. The principal objections to bail are that the applicant was granted bail by the High Court in February 2025 and failed to comply with his conditions of bail by failing to attend court on 1 April 2025 as required. The arresting officers have reported that the applicant was evading arrest when they were tasked with executing the Bench Warrant. He had to be included in the Crime Stoppers program because they had difficulty in locating him. D/Cpl Connie deposes that considerable police resources were spent in trying to locate the applicant. She opines that he cannot be trusted to honour his bail conditions.

#### **Discussion and disposal**

16. The applicant has pleaded not guilty. He is presumed innocent.
17. That said, at this stage, I am satisfied that it is not in the interests of justice that the applicant be released on bail. In my opinion, he is highly unlikely to comply with any bail conditions the court may impose, including attending his PTC on 27 January 2026. In light of his flagrant and inexcusable breach of his conditions of bail, which has wasted police and court time, the applicant simply cannot be trusted again to answer his bail. In these circumstances, the Court can have no confidence that the applicant would comply with bail conditions and attend his trial.
18. For the sake of completeness, I do not accept that the applicant will have undue difficulty in communicating with his counsel if bail is refused. Defence counsel was able to take full instructions for this bail application.
19. As for the time the applicant will be held in custody before his case is heard, his trial will commence on 15 June 2026. The applicant only has himself to blame

for the fact that the interests of justice now require that he be remanded in custody pending the disposal of this matter.

**Disposal**

20. The applicant is refused bail.
21. The applicant may appeal against my decision within 30 days or apply to the Court of Appeal to review my decision. He is also entitled to make a new application for bail if he so chooses.



  
Hon. Mr. Justice Burney

At Labasa  
19 November 2025

Solicitors:  
Sushil Sharma Lawyers for the Applicant  
Office of the Director of Public Prosecutions for the Respondent