

IN THE HIGH COURT OF FIJI

AT LAUTOKA

CRIMINAL MISCELLANEOUS JURISDICTION

MISCELLANEOUS CASE NO. HAM: 293 OF 2025

In the matter of an application
for bail pending trial

BETWEEN :

DANIEL FRANCIS PRASAD

Applicant

AND :

STATE

Respondent

Counsel: Mr E. Wainiqolo for Applicant

Ms S. Prakash for Respondent

Date of Ruling : 18 February 2026

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 2009.

2. The Applicant seeks bail pending trial. His previous bail applications were refused by this Court by its Rulings dated 2 October 2025 and 25 November 2025. This is his third bail application.
3. This bail review application has been filed pursuant to Section 30(7) of the bail Act 2002 of the bail Act. The Respondent opposes the application and relies on the affidavit and the submissions filed in respect of the Applicant's previous bail application. It argues that there is no change in circumstances from the previous bail determinations and special facts justifying a bail review.
4. Section 30(7) of the Bail Act provides: "*A court which has power to review a bail determination, or to hear a fresh application under section 14(l), may, if not satisfied that there are special facts or circumstances that justify a review, or the making of a fresh application, refuse to hear the review or application*".
5. The main basis of the State's objection relates to the Applicant's propensity to interfere with the child witnesses on whom the State is relying to prove the charge against the Applicant. The Applicant's children who had been allegedly present at the crime scene when the alleged murder took place are vital witnesses for the Prosecution. They are vulnerable witnesses because of their tender age and affected persons of the alleged crime committed in a domestic setting¹.
6. When the second bail application was filed, the child witnesses had been relocated to their grandmother's house. That house was not that far from where the Accused was supposed to reside if bailed. Therefore, the Court refused the bail application on the premise that there was high likelihood that he will directly and/or indirectly interfere with his children.
7. The Applicant now proposes to reside at his uncle's place in Narara, Sigatoka, more than 10 k.m.'s away from where his children reside. He also gives an undertaking to this Court that he will abide by the non-contact orders for DVRO and other bail conditions imposed

¹ Section 19(1) (d) of the Bail Act

by this Court. The State has not responded to this fresh bail application although it contains the facts of renewed circumstances.

8. The Applicant has been in remand for approximately nine months. The trial cannot be fixed because the Applicant's new counsel is yet to file the grounds of *voir dire*. The Applicant is concerned that the wellbeing of his children would be badly affected if he was not granted bail. He is a taxi driver. He seeks to look after the wellbeing of his children and prepare his defence through his private counsel from the earnings of his taxi business.
9. I am satisfied that there are special facts and circumstances that justify a review. It is in the interests of the Applicant that the bail be granted to the Applicant.
10. The application for bail is allowed under the following bail conditions:
 - i. Non-cash bond of FJD 2000.00 with two sureties (FJD 1000 each).
 - ii. Report to Nawai Police Station on every Saturday between 8 a.m. and 4 p.m.
 - iii. Not to contact directly or indirectly or interfere with the witnesses for Prosecution. The DVRO is to be strictly complied with.
 - iv. Not to reoffend whilst on bail.
 - v. Not to leave or travel outside of Sigatoka without prior permission of the Court.
 - vi. The Applicant shall reside at Narara, Sigatoka, in the given address.
 - vi. Money and other assistance for children shall only be provided through MPaisa or Social Welfare Office.



A handwritten signature in black ink, appearing to read "Aruna Aluthge", is written over a horizontal line.

Aruna Aluthge

Judge

18 February 2026

At Lautoka

Solicitors:

- Law Solutions for Applicant
- Office of the Director of Public Prosecutions for Respondent