

KELLY OFATA IROGA-v-REGINA

HIGH COURT OF SOLOMON ISLANDS
(Mwanosalua, J.)

Criminal Case No. 416 of 2006

Hearing: 10 November 2006

Ruling: 15 November 2006

S. Drumgold for the Applicant

R. Iromea for the Respondent

RULING

Mwanosalua, J: This is an application for bail pending trial. The Applicant is Kelly Ofata Iroga. He was arrested upon reasonable suspicion of having committed a criminal offence and was remanded at Rove Prison in Honiara. His application for bail was refused by the Magistrates Court in Honiara. He now applies to this Court for bail pending trial.

The Prosecution does not oppose the application but submits that bail to be granted to the Applicant on conditions.

The Applicant is 15 years old. He is a Form 3 student at White River Community High School. His mother lives at Burns Creek in East Honiara. She is a farmer raising chickens and growing potatoes and taro. She has been supplying her farm products to the Hospital and the Rove Prison in Honiara. On 16 October 2006 the Applicant applied for bail but was refused by the Magistrates Court. Bail was refused on the basis that the Applicant would abscond and that he would re-offend.

The precise charge upon which the Applicant was remanded in custody was not made available to this Court. The only indication which this Court could gather from the papers filed by his advocate was that the Applicant had been arrested and remanded for suspicion of being a party to an offence. There was no information available on that offence.

The Applicant is less than eighteen years old. He is a young person. There is no evidence before this Court that the Applicant has committed a grave crime; or that it is in the interest of the Applicant to remove him from the association of any undesirable person; or that the release of the Applicant would defeat the ends of justice.

In addition, a person shall not be deprived of his personal liberty unless upon reasonable suspicion of his having committed criminal offence. There is no evidence before this Court pointing to his commission of an offence.

This Court will exercise its discretion to grant bail to the Applicant on the following conditions:

1. **His parents to deposit \$300.00 cash with the Magistrates Court in Honiara before he is released on bail from Rove Prison.**
2. **To reside with her parents at Burns Creek at all times.**
3. **Not to leave Honiara until trial.**
4. **To remain in his parents house between the hours of 6pm. to 6am. every night.**
5. **Not to speak to and associate with Jimmy Arikiloni when he is on bail.**
6. **To report to Kukum Police Station, on Monday, Thursday and Saturday between 8am. and 4pm. each week.**

**Francis Mwanosalua
Puisne Judge**