

**IN THE HIGH COURT  
OF SOLOMON ISLANDS**

*Criminal Jurisdiction*

**BETWEEN: MONTROSE NGORO, SAM DAGI, TUBA'A BIARA, BENDLEY BIARA, JACOB KALENGADA, MAXON AMA, JULIUS SIGA, TIMOTHY PITAKAJI, PRESLEY MANAOLD LOKA AND RONALD KULE** Applicants

**AND: REGINA** Respondent

**Date of Hearing:** 13 September 2010

**Date of Decision:** 13 September 2010

*Mr. J. S. Pitabelama for all accused (applicants)*

*Mr. J. Seuika for Crown*

**DECISION ON BAIL APPLICATIONS**

**Cameron PJ:**

- 1 These are applications for bail brought by ten persons, all charged with the murder of Obed Ramo on 26 February 2010.
- 2 The Crown strongly opposes bail in respect of the first four named applicants, namely Montrose Ngoro, Sam Dagi, Tubara Biara and Bendley Biara.
- 3 Briefly, the Crown case is that there was a fight between the ten accused on the one hand, and the victim and another on the other hand. During the fight the victim was punched and kicked, and also stabbed on the left side of his body with a knife. He died as a result of that stab wound.

- 4 The Crown points to direct eye-witness statements implicating in the fighting the four accused in respect of which bail is strongly opposed. It points to the statement of Sara Emu, who states he saw Montrose Ngoro punch and kick the victim. He also states that he saw Bendley Biara and Sam Dagi kick the victim, and that he saw Montrose Ngoro take out a kitchen knife from his trousers and drive it at the left side of the victim.
- 5 The Crown points to the statement of Charles Porike, in which he states that he saw Bendley Biara, Tubara Biara and Sam Dagi punching and kicking the victim.
- 6 The Crown also points to the statement of John Kopae, in which he states that he saw Montrose Ngoro, Bendley Biara and Sam Dagi punching the victim.
- 7 The Crown submits that the intended evidence from these three eye-witnesses is particularly strong and directly implicates the first four accused in the killing.
- 8 The defence case, somewhat surprisingly, is that none of the ten accused were involved in the fight at all. The defence also relies on inadequate identification, and further says that there is no direct evidence of the stabbing.
- 9 I am satisfied that there is strong prima facie evidence against the first four of the accused as to their direct involvement in a fight which cost the life of the victim. Murder is a most serious charge. Normally, special circumstances will need to be demonstrated

before bail will be granted. I discern no such special circumstances in this case, notwithstanding the sworn statements filed by the accused. I point out that most of the eye-witnesses of the Crown reside in the same area of Kolambangara Island as that of three of those four accused, and I am satisfied that there is a real risk of interference with witnesses should those accused be granted bail. I also consider that there is a risk of those four accused absconding should bail be granted. I decline the applications for bail by Montrose Ngoro, Sam Dagi, Tubara Biara and Bendley Biara.

10 In respect of the other six named accused, they are said by the Crown to be part of the group, which included the four accused, who attacked the victim.

11 However, the Crown has advised that in the case of those six accused the Crown will be reviewing the appropriateness of the charge of murder, and that because the evidence is not strong does not oppose bail subject to appropriate conditions. I agree that prima facie the evidence against those six accused to support a charge of murder is not strong.

12 In the circumstances I grant bail to the six accused Jacob Kalengada, Maxom Ama, Julius Siga, Timothy Pitakaji, Presley Manaold Loka and Ronald Kule, subject to appropriate conditions.

**BY THE COURT**

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**Justice IDR Cameron**  
**Puisne Judge**