

**IN THE SUPREME COURT OF TONGA**  
**CRIMINAL JURISDICTION**  
**NUKU'ALOFA REGISTRY**

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**CR 45 of 2012**

**R E X**

**V**

**TA'UFO'OU FALE'OFA**

**BEFORE THE HON. JUSTICE CATO**

**Counsel:           Mr. Sisifa for the crown**  
**Mr. Fifita for the prisoner**

**JUDGMENT**

Mr. Sisifa opposed bail strongly on the basis that the prisoner was facing four counts of robbery occurring over a period of several months. I ascertained that the weapon involved was a pistol. I also ascertained that the crime were committed in company. One of the co-offenders is in custody the other, who is facing only one count, was given bail

The crown opposed bail on the basis of the seriousness of the offending and also because the case was set to be a strong crown case basely on circumstantial evidence. Further Mr. Sisifa said that there was a concern expressed to him by witnesses over the safety and indeed any possible interference with the witness.

Mr. Fifita quite correctly, because the prisoner has no previous convictions said that his client had not been interfering with witnesses and there is no evidence of his client interfering with witnesses or anything of that nature. He also emphasised he was a first offender and should be given bail.

In my view, however, the seriousness of the offending, the multiplicity of the counts involving a weapon, the fact that the Crown informs me that

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this is a strong largely circumstantial case against the applicant I decline bail.

I am also concerned in a relatively small island like Tongatapu there is every possibility when so many different robberies are involved that there may be some occasion where there is a risk of interference with witnesses or their security.

The application is dismissed. The accused is remanded in custody for trial.

Copies to the Crown, Mr. Sisifa and to Mr. Fifita.

DATED: 28 May 2012



A handwritten signature in black ink, appearing to be "C. A. S.", is written over the seal.

JUDGE