

**IN THE HIGH COURT OF FIJI**

**AT LAUTOKA**

**CRIMINAL JURISDICTION**

**MISCELLANEOUS ACTION NO. HAM 19 OF 2009**

**IN THE MATTER** of an application for  
bail in High Court Criminal Case No.  
HAC 143 of 2007

**BETWEEN:**

**SAIRUSI SOKO**

**Applicant**

**AND:**

**THE STATE**

**Respondent**

**Appearance:**      **Applicant in Person**  
                                 **Mr. S. Vodokisolomone for the State**

**Date of Hearing & Ruling:**      **Thursday 2 July 2009**

## **RULING**

[1]      The applicant is charged with robbery with violence and criminal intimidation with six others.

- [2] On 12 October 2007 Phillips J. refused bail. On 25 October 2007 Mataitoga J. granted the applicant bail. On 30 July 2008 the applicant was brought before Govind J. on a bench warrant. Govind J. revoked bail and remanded the applicant in custody.
- [3] On 4 July 2008 and 18 July 2008 respectively, Govind J. refused bail to the applicant. On 18 September 2008 Shameem J. refused to grant bail and gave the following written reasons:

*"It is clear from this chronology of events that the Applicant has failed to respect his bail conditions in the past, and that he continues to be a flight risk. The alleged robbery is a serious case and the prosecution will proceed on the basis of a confession and possession of proceeds of the robbery.*

*In these circumstances I am satisfied that the prosecution has rebutted the presumption in favour of bail" – **State v Maleli Cakau & 6 Others – Cr. Case No. HAC 143 of 2007 – Ruling (18 September 2008).***

- [4] On 20 October 2008 and 28 November 2008 respectively, Sherry J. refused to grant bail for the same reasons as given by Shameem J.
- [5] On 12 June 2009 the applicant filed this application for bail. However, he has not been able to demonstrate any change of circumstances to justify this Court to depart from the earlier decisions of my brother and sister Judges to refuse bail.

- [6] Bail is refused. The applicant will remain in remand until his case is tried.
- [7] The High Court Registry is not to accept any further applications for bail from the applicant. The applicant is advised that he has a right of review to the Court of Appeal.

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**Daniel Goundar**

**JUDGE**

**At Lautoka**

**2 July 2009**