

IN THE SUPREME COURT OF SEYCHELLES

THE REPUBLIC

VERSUS

JEAN PAUL MELANIE

ACCUSED

Civil Side No 118 of 2004

.....
Mr Chetty for the Republic

RULING

D. Gaswaga

The accused has applied for release on bail stating that he has been on remand for a long time and further that much as he had earlier on escaped from lawful custody, the Court should not see it against him (*as the position was in R. v. Steve David & Or Cr. Case No. 574 of 2004*) to reject the application which is also being objected to by the Prosecution.

Indeed the record clearly shows that the applicant faces serious charge and has been on remand for sometime and further that he had at some point in time been re-arrested and place back in custody when he escaped from lawful detention. It is true that the applicant in the Steve David case had also escaped from lawful detention while on remand at long island Prison however his release on bail, by this Court was based on a combination of factors one of them being that his co-accused had been enlarged on bail yet the next time trial date was a number of months away. The circumstances are therefore dissimilar.

In the instant case the trial is continuing within a few days time while the charges are serious. Meanwhile the circumstances of this case remain unchanged to warrant the applicant's release on bail. Accordingly the application is rejected.

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D. GASWAGA
JUDGE

Dated this day of July 2006