

# **IN THE SUPREME COURT OF SEYCHELLES**

THE REPUBLIC

vs.

1. **ROGER EULENTIN (Accused)**
2. **KEVIN ZELIA (Accused)**

Criminal Side No. 31 of 2005

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Mr. Esparon for the Republic

Mr. Hoareau for the 1<sup>st</sup> Accused

Mrs. Antao for the 2<sup>nd</sup> Accused

## **ORDER**

***Gaswaga, J***

The two accused persons in this case have been charged with robbery with violence contrary to and punishable under Section 281 of the Penal Code read together with Section 23 of the Penal Code.

### ***Particulars of offence***

Roger Eulentin and Kevin Zelia on the 14<sup>th</sup> day of May, 2005, at 5<sup>th</sup> June Avenue, Victoria, Mahe, robbed Wilson Rachel two silver necklaces, one mobile of make Nokia and the sum of Rs. 2, 500/- (two thousand five

hundred rupees) and at the time of such robbery used personal violence to the said Wilson Rachel.

The defence counsel for the 1<sup>st</sup> Accused has asked the Court to make an order for the release of his client on stringent conditions because he has been on remand for a long period of time now coming to two years. The trial was aborted twice on account of reasons not authored by his client.

At the last sitting when the case was to be heard it was reported that the 2<sup>nd</sup> accused had escaped from lawful custody and as a result the trial did not take off. Although the prosecution is objecting to the release of the 1<sup>st</sup> accused citing the seriousness of the offence I feel, at this point with the prevailing circumstances, that the accused should be enlarged on bail with stringent conditions. It should also be noted that the trial has been fixed for **Thursday 19<sup>th</sup> and Friday 20<sup>th</sup> July, 2007** and keeping an accused person on remand till then would not be proper given that he is innocent until proven guilty.

The conditions of bail in respect of the 1<sup>st</sup> accused are:-

1. The accused should enter a bail bond in the sum of Rs. 20, 000/- with two sureties to be approved by the Court.
2. The accused should not leave the jurisdiction of Seychelles without an order of this Court.

3. The accused should not interfere with the witnesses or the course of justice in this case in any way or get involved in any criminal activity.
4. The accused should surrender his passport or any travel document issued to him to the Registrar of the Supreme Court before the release order is signed.
5. The accused should report to the nearest police station being the Anse Etoile Police Station every Monday and Friday before midday.
6. If any of these conditions are breached this order for bail will be revoked and the accused will be remanded in custody.

The Registrar is to convey this order to the Director of Immigration and the Commissioner of Police.

I so order.

**D. GASWAGA**  
**JUDGE**

Dated this 7<sup>th</sup> day of December, 2006.