

IN THE SUPREME COURT OF SEYCHELLES

THE REPUBLIC

VS.

ROBERT PASSENGI (Accused)

Criminal Side No. 51 of 2007

Mr. Durup for the Republic
Mr. Elizabeth for the Accused

RULING

Gaswaga, J

This is an application for release on bail of the accused/applicant who is charged with the offence of trafficking in a controlled drug contrary to Section 5 as read with Section 26(1) and punishable under Section 29(1) of the Misuse of Drugs Act. It is supported with an affidavit wherein Mr. Elizabeth has deposed that the accused is totally disabled and unable to feed himself, bathe and look after himself and further “that he depends on his mother for support and upkeep.”

The application is not contested. Indeed State Counsel, Mr. Durup intimated that he would not be moving for extension of remand of the accused. He in fact supported the application and further stated that he had instructions from the prison authorities that they were experiencing a lot of difficulties with regards to taking care of the applicant who is physically disabled. The Court also takes note of the physical disabilities of the applicant. He cannot walk properly and his arms and other parts as well as general physique of the body are deformed.

In these circumstances justice demands that he accused be admitted to bail but on very stringent conditions bearing in mind the gravity of the charges laid against him.

He shall therefore;

1. Present two sureties to be approved by the court. Each one of them is to sign a bail bond of Rs15, 000/-. (NOT CASH)
2. The accused should not leave the jurisdiction of Seychelles without an order of this Court. Therefore, the accused should surrender his passport or any travel document issued to him to the Re-gistrar of the Supreme Court before the release order is signed. If he has none then he should not apply for or be issued with any unless with a court order.
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. Report at Baie Ste Anne Police Station the first Monday of every month before midday.
5. If any of these conditions is breached this order for bail will be revoked and the accused 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 22nd day of April, 2008.