

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 48/2014

[2014] SCSC 448

THE REPUBLIC

versus

ARCHILLE FINEST

Accused

Heard: 29th October 2014

Counsel: Mrs. Lansinglu Rongmei, Assistant Principal State Counsel for the Republic
Mr. Sammy Freminot Attorney at Law for the accused

Delivered: 19 November 2014

ORDER

Burhan J

[1] I have considered the application for bail made by learned counsel for the accused and the objections of learned counsel for the prosecution.

[2] Learned counsel for the accused based his application on the fact that the charge was not of a serious nature and there was an element of provocation and an element of consent and therefore moved that the accused be released on bail. Learned counsel for the prosecution vehemently objected on grounds based on the affidavit dated 10th September 2014.

- [3] I have already for reasons contained in my order dated 11th September 2014 remanded the accused into custody. Two separate charges of Sexual Assault have been filed against the accused. The offence of Sexual Assault carries a maximum of 20 years imprisonment and therefore, in the view of this court is a serious offence.
- [4] It appears the victim being a former girl friend of the accused has been threatened, harassed, assaulted and sustained injuries during the said sexual assault. The affidavit filed by the prosecution indicates that the victim was produced before a doctor and the numerous injuries sustained by the victim examined in the English River Clinic by one Dr.Vendre.
- [5] This does not support the contention of learned counsel for the accused that “there was an element of consent.”
- [6] The fact that the victim was admittedly an ex girlfriend of the accused and the threats, harassment, violence allegedly used on the victim, indicates that there are substantial grounds to believe the accused would attempt to interfere with the principal witness in this case.
- [7] For the aforementioned reasons the application for bail is declined and as sufficient grounds exist, the accused is further remanded into custody.

Signed, dated and delivered at Ile du Port on 19 November 2014

M Burhan
Judge of the Supreme Court