

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 99/2015

[2016] SCSC

THE REPUBLIC

versus

KEREENA PHILOE

Accused

Heard: 23 February 2016
Counsel: Mr. Vipin Benjamin, Assistant Principal State Counsel for the Republic
Mr. Clifford Andre Attorney at Law for the accused
Delivered: 8 March 2016

ORDER

Burhan J

[1] I have considered the submissions made by learned counsel for the defence in respect of his application for bail on behalf of the accused and the objections by learned counsel for the prosecution in respect of the said application.

[2] Learned counsel for the accused relied on the following grounds;

- a) the main prosecution witnesses do not aver that they had seen the accused throw the parcel containing the controlled drug from the window of the apartment.
- b) the accused had been framed by the person who had given her the controlled drug namely one Gael Barbe.
- c) the controlled drug is a Class B controlled drug.
- d) the accused could be released on stringent bail conditions.

[3] Although the charge against the accused is in respect of trafficking in a quantity of a Class B controlled drug, when one considers the quantity involved i.e. 521.5 grams of Cannabis (Resin), the seriousness of the charge becomes apparent as the trafficking of such a large quantity of controlled drug even of a Class B nature, attracts a minimum mandatory term of life imprisonment.

[4] I am of the view that considering the seriousness of the charge as borne out by the severity of the penalty prescribed by law, there is a strong possibility of the accused absconding if released on bail.

[5] Further learned counsel for the prosecution seeks to rely on the confessional statement made by the accused and not the evidence of eyewitnesses to establish the connection between the controlled drug that was thrown out of the window of the apartment and the accused. It is too premature at this stage to decide whether the said confessional statement has been obtained under duress or whether the accused has been framed by one Gael Barbe as alleged by the accused.

[6] On perusal of the record, the case has been fixed for hearing on the 27th of May 2016 which was the earliest date available for learned counsel for the defence, it cannot be said that the prosecution has been guilty of laches.

[7] For the aforementioned reasons i.e. considering the seriousness of the charge, the likelihood of the accused absconding in the face of such a serious charge and the fact that

no delay in the hearing of the case could be attributed to the prosecution, the application for bail is declined.

[8] The accused is further remanded into custody. The need to consider bail conditions does not arise.

Signed, dated and delivered at Ile du Port on 8 March 2016

M Burhan
Judge of the Supreme Court