

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CR 17/2016

[2016] SCSC 199

THE REPUBLIC

versus

JEMMY MOUSBE

Accused

Heard: 24 March 2016
Counsel: Mr. Khalyaan Karunakaran, State Counsel for the Republic
Mr. Gabriel for the accused
Delivered: 24 March 2016

ORDER

Akiiki-Kiiza J

[1] I carefully considered the submissions of both learned Counsel, I have also carefully perused the affidavit in support of the notice of motion applying to remand the accused noting that the offence is serious in nature and also carrying the maximum sentence of life imprisonment upon conviction. Of recent the Court of Appeal and indeed this Court has held that the suspects can be released on bail in cases even if they are serious in nature provided it can be proved that an accused person will attend Court when as ordered.

[2] The two grounds have been raised here for the opposition for the application for remanding the accused. First one is seriousness, the second one is likely interference with the prosecution witnesses. However there is no evidence produced by the prosecution in the affidavit to that effect. In absence of such evidence therefore it is a mere allegation which is not sufficient. Putting everything into consideration I refuse the application to remand the accused and I release him on bail on the following terms;-

(1) He will deposit cash Rs.25,000/-

(2) He will produce two sureties to be approved by the Registrar who will bind themselves in the amount of Rs.50,000/- but not cash; and

(3) He will surrender his passport or any travel document to the Registrar of this Court until further orders of this Court;

(4) He will not leave the jurisdiction of this Court that is Mahe, Seychelles unless he is authorised to do so by this Court. The Commissioner of Immigration is to be informed accordingly.

(5) He will not interfere with any prosecution witnesses till this case is finalised. He will report to Anse Royale Police Station on Mondays, Wednesday and Fridays between the hours of 5 p.m. and 7 p.m.

[3] If he breaches any of the above conditions his bail will be automatically cancelled and he will remain on remand until the case is finalised.

Signed, dated and delivered at Ile du Port on 24 March 2016

D Akiiki-Kiiza
Judge of the Supreme Court