

**IN THE SUPREME COURT OF SEYCHELLES**

**Criminal Side: CO 39/2016**

**[2016] SCSC 514**

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**THE REPUBLIC**

versus

**SAID PROSPER**

Accused

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Heard:

Counsel: Mr. Ananth, Assistant Principal State Counsel for the Republic  
Mr. Gabriel for the accused

Delivered: 15 July 2016

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**RULING**

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**Dodin J**

[1] The accused Said Prosper stands charged with one count of obstructing the NDEA Agents in the exercise of their duties; one count of threatening violence; one count of assaulting NDEA Agents and one count of attempting to commit an act with intent to cause grievous harm.

[2] Learned Counsel for the prosecution moved the Court to remand the accused into custody pending trial on account of:

- (1) Seriousness of the offences.
- (2) That there is substantial ground to believe that the accused will interfere with witnesses or potential witnesses.
- (3) There is substantial ground to believe that the accused will commit similar offences if released on bail.

[3] Learned Counsel further submitted that the accused was on bail for a similar offence in case No. CR21/2015 when he committed the current offences.

[4] Learned Counsel for the accused objected to the application to remand the accused maintaining that the offences with which the accused has now been charged are not serious offences:

- (1) No person was harmed or suffered any injury as a result of the incidents;
- (2) The charges in this case are mostly under the NDEA Act and therefore not similar to the offence which the accused was released on bail with conditions;
- (3) That there are no compelling reasons to keep the accused on remand and that all witnesses should have been already interviewed and the Court can impose conditions to prevent any interference with the witnesses.

[5] Learned Counsel hence moved the Court to release the accused on bail with conditions.

[6] I have given careful consideration to the submissions of both Learned Counsel and read the Affidavit of Agent Vicky Dacambra dated 12<sup>th</sup> July 2016. I found that the offences with which the accused have been charged are on their own not particularly serious to warrant remand into custody.

[7] However the Court considers that the accused was on bail for an offence whereby serious injury was caused to a person and one bail condition was that the accused does not commit any similar offence whilst on bail.

[8] It does not matter that in this case the offences were committed against NDEA Agents and in the previous case it was against an ordinary citizen. The facts show that the accused has shown that he is not willing to abide by the bail conditions imposed by the Court.

[9] Consequently, I find that it is not prudent to release the accused on bail again for the offences charged in this case. The accused is therefore remanded into custody as prayed for by the prosecution.

Signed, dated and delivered at Ile du Port on 15 July 2016

G Dodin  
**Judge of the Supreme Court**