

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 82/2015

[2016] SCSC

THE REPUBLIC

versus

ERNEST WILLIAM

Accused

Heard: 25 January 2016
Counsel: Mr. Ananth Subramanian, Assistant Principal State Counsel for the Republic
Mr. Nichol Gabriel Attorney at Law for the accused
Delivered: 15 February 2016

ORDER

Burhan J

- [1]** I have considered the submissions made by learned counsel for the accused in respect of his application for bail on behalf of the accused and the objections in respect of same by learned counsel for the prosecution.
- [2]** Learned counsel for both the accused relied on the following grounds;
- a)** The quantity of controlled drug is small.

b) The accused is unwell.

c) the possibility of absconding could be done away with if suitable bail conditions are imposed.

[3] The charge against the accused is in respect of trafficking in a quantity of a Class A controlled drug and when one considers the quantity involved 2.68 grams, the seriousness of the charge becomes apparent as the trafficking of such a quantity of a Class A controlled drug, attracts a minimum mandatory term of 20 years 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 in the face of such a serious charge.

[5] The case has been fixed for hearing on the 21st of March 2016 and therefore it cannot be said that there will be an inordinate delay in the hearing of this case. It appears the accused is suffering from arthritis and has a mild swelling in his wrist. In regard to his medical condition, he has been recommended physiotherapy and medicines and it is apparent that this condition can be treated by the prison doctor and in the Victoria hospital in the Seychelles.

[6] I see no change in circumstances that warrant the release of the accused on bail. The application for bail is declined. Therefore the necessity to consider bail conditions does not arise.

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

M Burhan
Judge of the Supreme Court