

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO27/2017

[2017] SCSC

THE REPUBLIC

versus

ALBERT GEERS & ORS

Accused

Heard: 28 June 2017

Counsel: Mr Kumar, for the Republic
Mr Anthony Derjacques for the accuseds

Delivered: 28 June 2017

ORDER

R. Govinden, J

Having considered the submission of Counsel for the Prosecution and the defence regarding the notice of motion to vary the bail conditions of the 2nd and 3rd defendants in this case, in which the defendants are asking the Court to change their bail conditions by removing the requirement for them to report to the Police Station weekly and to have their passports surrendered to them so that they can travel at Will. I hereby make the following orders:-

1. The 3rd condition that both the 2nd and 3rd accuseds are to report to the Beau Vallon Police Station at 6.00 p.m is cancelled.
2. I find that on the notice of motion and affidavit as attached thereto shows that there is a genuine need for the 2nd and 3rd accuseds to travel given their professional and business interests.
3. However, I find also that this can be achieved within the existing bail conditions.
4. The fourth condition is that the two defendants passport can be released to them on a justifiable basis.
5. I find that the affidavit provides the ground for justification.
6. The passport can be released to the two accuseds to allow them to travel, but it has to be returned to the Registrar upon the end of their travel they cannot be given to the accused for them to travel at will, given the nature and circumstances of this case.
7. The right to travel of the two accuseds has to be balanced with the interest of justice and this Court ensuring that they both return and be present before the Court in order to ensure that the due course of justice is met in this matter.
8. I also cancel the condition regarding the 1st accused vis a vis his none travelling to Praslin given that he has business interest on Praslin and he may travel there. This condition is cancelled.
9. Furthermore, I will invite Mr Derjacques, Counsel for the accuseds to provide the itineraries of the 2nd and 3rd accused to this Court for the Court to make the necessary orders for the release of passport for them to travel. I will call upon him to provide it through the Registrar at any time and there would be no need for the accuseds to be present in that regards

Signed, dated and delivered at Ile du Port on 28 June 2017

R Govinden , J
Judge of the Supreme Court