

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 01/2018

[2018] SCSC 304

THE REPUBLIC

versus

1. JEAN YVES DODIN
2. DANNY KILINDO
3. FULBERT LABROSSE
Accused

Heard:

Counsel: Mr. Kumar, Attorney General for the Republic
Mr. Bonte for the 1st accused
Mr. Georges for the 2nd accused
Mr. Gabriel for the 3rd accused

Delivered: 23 March 2018

RULING

Dodin J

[1] The Accused persons Jean Yves Dodin, Danny Kilindo and Fulbert Labrosse stand charged with one count of Robbery with violence contrary to Section 280 of the Penal Code read with Section 23 and punishable under Section 28 of the Code.

- [2] According to the particulars of offence, the Accused persons having common intention attacked Mr. Anbazhagan Ramasamy and Mr. Chanrasekaran Prakash at the Maruthi Store situated at Grand Anse Mahe and robbed the store of the sum of RS7,000.
- [3] Learned Counsel for all 3 Accused persons moved the Court for bail maintaining the Accused persons have a right to bail under Article 18 (7) of the Constitution and that remand is an exception to the right to bail.
- [4] Secondly, that the trial in this case has been scheduled for July 2018 and by then the Accused persons would have been on remand for an unreasonably long time.
- [5] Thirdly, that all the Accused persons are ready, able and willing to abide by all the bail conditions that the Court deems fit to impose to ensure their presence for trial;.
- [6] Fourthly, in respect of the 1st and 2nd Accused person; that they reside far from the place where the offence is alleged to have been committed and where the alleged victims reside and therefore can be subjected to restrictions so as not to risk interference with the witnesses or potential witnesses.
- [7] Fifth, that the offence the Accused persons are charged with, although serious is not an offence which requires the Accused persons to be kept on remand pending trial such as the offence of murder.
- [8] Six, in respect of the 2nd Accused; that he is the father of 2 young children, one whom suffers from kidney problems.
- [9] Learned Counsel for the Republic objected to bail maintaining that the offence with which they have been charged is a serious offence carrying a maximum sentence of life imprisonment if convicted; that the stolen money has not been recovered; that there is likelihood that they will interfere with the witnesses as they usually frequent the place where the offence was committed and they may abscond and fail to attend trial; that the type of offence is on the increase in the country and that there has been no change in circumstances since the Accused persons were first remanded into custody.

[10] I have given careful consideration to the submissions put forth by each Counsel in support their respective application and Learned Counsel for the Republic in support of the objection to bail. I have also taken into account the affidavit of WPC Nadia Morel dated 5th January 2018. I have also considered the medical reports of the victims of the incident.

[11] Having so considered, I find that since the Accused persons have been remand from January 2018 and that trial is set for 27th to 31st of July 2018 , such period of 7 months cannot be held to be an unreasonably long time in the circumstances of this case.

[12] However considering the other circumstances of the case, including the possible imposition of strict bail conditions to secure the attendance of the Accused persons at trial, I am satisfied that there is no ground in the documents disclosed that any of the Accused persons will be more likely to abscond and not be present for trial.

[13] On the submissions of Learned Counsel for the 2nd Accused that there is very little evidence that he took part in the commission of the offence, I find that such determination can only be made at the hearing of the case proper and not on an application for bail.

[14] Having balanced the right of the Accused persons to bail and the exceptions that may require them to be remanded into custody, I am persuaded to release the Accused persons on bail with the following conditions:

- 1) They shall not leave the jurisdiction without an order of the Court.
- 2) Immigration Authorities shall not issue them with any travel document nor allow them to leave the jurisdiction without an order of the Court.
- 3) They shall deposit any travel document they may have into Court.
- 4) They shall enter into a bail bond in the sum of RS50,000 each with 2 surities each and further cash bail in the sum RS5,000 each shall be deposited into Court.
- 5) They shall not approach the shop or other premises where the victims of this offence are located.

- 6) The 1st and 3rd Accused persons shall report to Anse Royal Police Station every Wednesday whilst the 2nd Accused shall report to the Anse Boileau Police Station every Wednesday.
- 7) They shall report to Court whenever they are required to do so.
- 8) They shall not commit any similar offence whilst on bail

[14] Any breach of the above conditions shall result in bail being forfeited.

Signed, dated and delivered at Ile du Port on 23 March 2018

G Dodin
Judge of the Supreme Court