

**SUPREME COURT OF SEYCHELLES**

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**Reportable**  
[2019] SCSC 287  
CO27/2018

In the matter between:

**THE REPUBLIC**  
*(rep. David Esparon)*

**Republic**

and

**MICHEL TERRY BIBI**  
*(rep. by Clifford André)*

**Accused**

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**Before:** Burhan J  
**Heard:** 11 March 2019  
**Delivered:** 01 April 2019

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**ORDER**

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**BURHAN J**

[1] I have considered the submissions made in respect of the application for bail by Learned Counsel for the accused Mr. Andre. I have also considered the objections of Learned Principal State Counsel Mr. Chinasammy in respect of releasing the accused on bail.

[2] The main grounds urged by Learned Counsel for the accused in respect of his application for bail are:

- a. *The contention of the prosecution that the accused absconded in an earlier case by going to Kenya should not be taken into consideration as he has not done so in this instant case even though he had the opportunity to do so.*
- b. *The accused had not attempted to interfere with any witnesses.*
- c. *Suitable bail conditions could be used to ensure the attendance of the 1<sup>st</sup> accused.*

- [3] It is the contention of Learned Counsel for the prosecution that the offence of importation of a quantity of 300 grams of heroin is an offence of a serious nature and since the accused is in remand there is no issue about him interfering with the witnesses. He further submitted there were no changes in circumstance to warrant the release of the accused on bail.
- [4] I have considered the submissions of both Learned Counsel. Firstly on perusal of the record, I note that the accused had been released after arrest and it had been difficult to serve the summons on him at his given location the accused was eventually arrested and produced in Court on the 24<sup>th</sup> of December 2018. It appears when one considers the proceedings filed in case CR12 /2001 that the accused has attempted to abscond from Court.
- [5] I also observe that the accused faces a serious charge of importation of a controlled drug which attracts a maximum term of life imprisonment and an indicative minimum term of twenty years. Considering the background record of the accused, it is the considered view of this Court that there is a strong probability that the accused would abscond and attempt to obstruct the course of justice in the face of such a serious charge.
- [6] I also note that there is no change in circumstances since the order for remand into custody was made by Learned Judge S Andre on the 24<sup>th</sup> of December 2018 that warrant a release of the accused on bail.
- [7] I am therefore satisfied that sufficient grounds exist to remand the accused into custody. As the accused in not being released on bail the necessity to consider suitable conditions does not arise.

Signed, dated and delivered at Ile du Port on 08 April 2019

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Burhan J