

SUPREME COURT OF SEYCHELLES

Reportable
[2019] SCSC 688
CO02/2019

In the matter between:

THE REPUBLIC
(rep. by George Thachett)

Republic

and

JIMMY PATRICK FINESSE
(rep. by Joel Camille)

1st Accused

PRISCILLA FINESSE
(rep. by Joel Camille)

2nd Accused

BALAMURALI PILLAY
(rep. by France Bonte)

3rd Accused

KARUMBAYIRAM PILLAY
(rep. by S. Rajasundaram)

4th Accused

Before: Burhan J
Heard: 12 August 2019
Delivered: 12 August 2019

ORDER

BURHAN J

[1] I have considered the application for bail made by learned counsel Mr. Joel Camille on behalf of the 1st accused and the objections of learned counsel for the prosecution. Learned counsel for the accused move for bail based on the following grounds that is

- a) The main charge against the 1st accused on human trafficking has been withdrawn.

a) Sufficient stringent conditions could be imposed by court to prevent the accused absconding, interfering with potential witnesses.

[1] It is the contention of learned counsel for the prosecution that as the 1st accused held prominent public office, even though he has resigned from the post there is a strong possibility of him interfering with the witnesses in this case who are businessman (lay witnesses) and also a witness who is on a conditional offer as they are well known to the 1st accused.

[2] He also brought it to the notice of the court that negotiations were pending in respect of the 3rd accused in respect of a conditional offer which appears is a new circumstance that warrants consideration.

[3] Having considered the abovementioned facts, even though there is a change of circumstances in that the charge of trafficking of persons has been withdrawn, it is apparent that the 1st accused being a former employee in high public office is known to the witness who has been granted a conditional offer and other witnesses who are lay persons. Further, negotiations in respect of the 3rd accused who is well known to the 1st accused, in respect of the conditional offer are still in progress.

[4] I therefore am satisfied that ^Athe substantial grounds exists of the probability of the 1st accused interfering with these witnesses who are known to him personally in the face of several serious charges he faces. I also note that trial is set for the month of October 2019 and there is no undue delay in the hearing of this case.

[5] I therefore decline the application for bail.

Signed, dated and delivered at Ile du Port on 12 August 2019.



M Burhan J