

SUPREME COURT OF SEYCHELLES

Reportable

[2020] SCSC 502
CO 26/2020

In the matter between:

THE REPUBLIC

(rep. by Ms. Langsinglu Rongmei)

APPLICANT

and

RINO BARRY DUNIENVILLE

(rep. by Mrs. Alexia Amesbury)

RESPONDENT

Neutral Citation: *R v Dunienville* (CO 26/2020) [2020] SCSC 502 (20th July 2020)

Before: Vidot J

Heard: 6th July 2020

Delivered: 20th July 2020

ORDER

M. VIDOT

[1] In this case I have already made bail orders in respect of the 3 other accused. That was on the 15th June 2020. They were arrested prior to Rino Dunienville (hereafter “the Accused”). As averred in the attached affidavit to this Application, the Accused was apprehended following the release to bail of the 3 other accused. In fact, as per the affidavit attached to this Application, he was arrested at the Supreme Court precincts. He had come to bring the cash bail money for the other accused. After the arrest of the other 3, Police was still gathering evidence in respect of the crime with which the Accused has been charged. Their investigation revealed a connection in respect of the Accused and the other 3. In fact the affidavit seems to suggest that the Accused was the mastermind behind the whole transaction.

[2] As I understand it, this present application is based on the same grounds of the one dated 25th May 2020 in regards to the other 3 accused. However, the Applicant has provided

further particulars in regards to the Respondent. The consideration of the law as regard to bail as stated has applicability to this Respondent. Therefore, I shall not repeat them here.

[3] The Applicant has nonetheless provided additional particulars in regard to the Respondent, particularly, the Applicant provides that one of the other 3 co-accused has revealed that the Respondent funded the purchase of the controlled drug which is subject of this Application. It is also averred that they also saw the Respondent come to Cascade in a white boat to collect the drug which the other accused had purchased for him.

[4] Counsel for the Accused did not deny these averment, she argued that there should be parity of treatment between this Accused and the other co-accused. There would normally be parity of treatment provided the Accused involvement in the alleged offence are the same. The Court should always start on the premise that all co-accused are treated similarly if charged with similar crime. It is imperative that the accused are treated fairly. However, the court take cognisance that in this case, allegations of involvement of the Respondent in the offence is different from the other co-accused. So the rule of parity of treatment does not arise. An accused particular circumstances have to be considered when the court looks at the case. An example would be if one co-accused is suffering from a medical condition which other co-accused do not suffer from. So that accused would be treated differently.

[5] In the Ruling of the 15th June 2020, I emphasized that in considering a remand application the paramount consideration is whether an accused will abscond or not. Once that is considered the court has to remand the accused or released him on the bail conditions or without conditions. The Prosecution in this case has not demonstrated to me that there is a likelihood of the accused absconding. For this reason coupled with other reasons provided in the Ruling of 15th June 2020 I released the Accused on bail subject to the following conditions:

[1] The Accused shall pay a cash bail in the sum of SR 140,000 with 2 sureties who shall each sign a bail bond of SR 100,000. Such sureties are to be approved by court. This is to ensure that the Respondent attends court each time that he is requested to do so.

[2] The Respondent shall not leave the Republic until final determination of this case and before his release on bail surrender his Passport or any other travel documents to the Registrar of the Supreme Court and Immigration Authorities are directed not to issue any travel documents to the Respondent and not to allow him to travel out of jurisdiction.

[3] The Respondent shall report to the Baie Ste. Anne Praslin Police station every Monday, Tuesday and Friday.

[4] The Respondent shall until this case is completed remain on Praslin and shall not travel to any other islands in Seychelles save when requested to do by this court in which case his movement shall be limited to and from Point Larue to Palais de Justice, Ile du Port. The accused shall not while on bail go out at sea for any other purpose.

[5] The Respondent shall not whilst on bail commit any other offences. Should he breach the bail condition the cash bail shall be forfeited.

[6] Before being released on bail the Respondent shall furnish the Court and the police a telephone number where he maybe be contacted at all times.

[7] The Respondent shall not interfere with the investigation in this case and in particular shall not have contact of whatever nature the witnesses.

[8] The Respondent shall not leave his home within the hours of 7:00 pm and 5:30 am until final determination of this case or further order from this Court.

If the Respondent breaches any of the above bail condition he shall be arrested and produced before this Court.

Signed, dated and delivered at Ile du Port on 20th July 2020.

Vidot J