

**SUPREME COURT OF SEYCHELLES**

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**Reportable**  
[2020] SCSC 503  
CR15/2020

**THE REPUBLIC**

v

**KA**

**Accused**

**Neutral Citation:** *R v KA* (CR 15/2020) [2020] SCSC 503 (28 July 2020)

**Before:** Dodin J

**Summary:**

**Heard:** 19 June 2020

**Delivered:** 28 July 2020

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**ORDER**

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**RULING**

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**Dodin J,**

[1] The Accused was arrested and produced before Court after he absconded on the 10<sup>th</sup> March 2020 after having been issued summons to appear before the Supreme Court to answer to two counts of sexual assault against a child of 9 years old. The Accused gave as reason that he was sick on that day.

[2] Learned Counsel for the Accused moved the Court to release the Accused on bail with conditions and that the Accused has somebody who has accepted to lodge him on Mahe until the completion of trial. Since the offence allegedly occurred on La Digue where the complainant lives. There is no possibility of interference with the complainant or other witnesses.

[3] Learned Counsel submitted that in more serious sexual assault cases accused persons have been released with conditions.

[4] Learned Counsel for the Prosecution objected to the application maintaining that regardless of the type of Sexual assault, there is no specific variation in the type of body orifice penetrated for the offence to be committed. The offence is a serious one and the accused also absconded on the first day.

[5] Having heard both Counsel, and read the Affidavit of CPL Sheila Arnephy, I am minded to release The Accused on bail with the following conditions.

- I. He shall not leave the Jurisdiction without an Order of the Court. Immigration Authorities are notified accordingly.
- II. He shall deposit his travel Documents into the Court.
- III. He shall enter into a bail bond in the sum of RS50, 000 with 2 sureties vouching for him.
- IV. He shall reside at [. . .] on Mahe.
- V. He shall report to Beau-Vallon Police Station every Tuesday and Friday.
- VI. He shall report to the Court every time required.

He shall not travel to La Digue and shall not contact or approach the complainant or any witness by any means whatsoever. [Exception is made for his wife]

[6] Any Breach of the bail conditions shall result in bail being forfeited.

Signed, dated and delivered at Ile du Port on the 28<sup>th</sup> July 2020.

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Dodin J.

Judge of the Supreme Court