

SUPREME COURT OF SEYCHELLES

Reportable

[2021] SCSC 889
CO101/2021

IN THE MATTER BETWEEN

STEVEN WILFRED MARIE

(rep. by Mr. D. Cesar)

Applicant

and

THE REPUBLIC

(Ms. C. Rose)

Respondent

Neutral Citation: In the matter of Steven Wilfred Marie (CO101/2021) [2021] SCSC

Before: B. Adeline, sitting as a Judge of the Supreme Court

Summary: Application for conditional bail

Heard: 14 December 2021

Delivered: 15 December 2021

FINAL ORDER

Application for conditional bail succeeds – The Applicant Steven Wilfred, Marie of Cascade, Mahe Seychelles is released from police custody on strict bail conditions.

RULING

B. Adeline, J

- [1.] In a Ruling of this Court made on the 2nd December 2021, the Applicant Steven, Wilfred, Marie, (also the accused), who is charged before this Court with one count of Sexual Assault, has his application to be released from police custody on conditional or unconditional bail denied, and accordingly dismissed.
- [2.] The primary reason for the dismissal of the application was because the supporting affidavit to his application did not disclose any averment of a change of circumstances that warranted the granting of conditional or unconditional bail in reversal of the status quo.

[3.] The Applicant now makes a fresh application dated 2nd December 2021, praying for the Court to release him on strict bail conditions in whatever terms the court sees fit and necessary because of the change of circumstances.

[4.] The Applicant relies on the averment in his supporting affidavit to the motion, that now that the complainant/victim has given her evidence in court, the concern that he is likely to obstruct the course of law by interfering with the key witness (or the star prosecution witness) as pleaded in the respondents application for remand and in its sworn affidavit dated 22nd October 2021 has dissipated.

[5.] In considering the fact that the right to bail is a constitutional right unless based on the facts of a particular case, the circumstances are such that bail should be denied, the court has taken into account, *inter-alia*, the following factors;

- (i) That the respondent (the prosecution) does not object to the granting of bail on strict bail conditions.
- (ii) That the applicant (the accused) will be unable to interfere with the key prosecution witness A.M, who has already given her testimony.
- (iii) That the offense is one that is very serious in nature and carries a long term prison sentence if convicted, and that can be an incentive for the respondent to abscond.
- (iv) That the Applicant shall not commit any similar offences or any offences of a sexual nature, and
- (v) That there is a genuine public interest in seeing that crimes of this nature against children, are properly investigated and prosecuted, in order to meet the ends of Justice.

[6.] Therefore, the Applicant (also the accused) is released on bail on the following strict bail conditions.

- (i) The Applicant shall pay a cash bail of SR10,000.
- (ii) The Applicant shall not interfere with any witness or potential witnesses, or with the course of justice in respect of this case.
- (iii) The Applicant shall surrender his passport, if any, to the Registrar of the Supreme Court, and shall not leave the jurisdiction until the case is concluded.

(iv) The Applicant shall report to the nearest police station,(the Anse Aux Pins Police Station) every Friday of the week at 6pm.

[7.] The Applicant shall remain in police custody until such time that the bail conditions at (i) and (iii) above are met, (not exceeding 14 days), and once fulfilled, he shall be immediately released from police custody.

[8.] The Applicant is warned, that his release on these strict bail conditions, means that any breach of either of these conditions without good cause being shown, bail will be revoked and he will be remanded in police custody until the case is fully disposed of.

Signed, dated and delivered at Ile du Port on the 15th December 2021.


B. Adeline
Judge of the Supreme Court