

SUPREME COURT OF SEYCHELLES

Reportable
[2021] SCSC 623
CO53/2021

In the matter between:

THE REPUBLIC
(rep. by Corrine Rose)

and

FARIL BIBI
(rep. by Manuela Parmantier)

Accused

Neutral Citation: *Republic v Bibi* (CO53/2021) [2021] SCSC 623 (27th September 2021)
Before: Burhan J
Heard: 13th September 2021
Delivered: 27th September 2021

ORDER

BURHAN J

[1] The accused Faril Bibi stands charged as follows: -

Count 1

Robbery with violence contrary to Section 280 and punishable under Section 281 of the Penal Code Cap 158.

Count 2

Threatening violence contrary to Section 89(a) and punishable under section 89 of the Penal Code Cap 158.

- [2] I have considered the submissions of learned Counsel Ms Manuela Paramantier on behalf of the accused in respect of bail and the facts set out in the affidavit of the accused dated 23rd August 2021 and the objections of learned State Counsel Ms. Coreen Rose in respect of same.

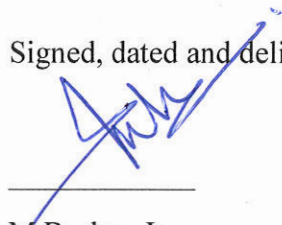
The main grounds urged by learned Counsel for the accused are:

- a) The accused is a familial person having an eight year old son and his remand would cause extreme hardship to his family.
 - b) He had not absconded but co-operated with the police at the time of his arrest.
 - c) Even though the charges are of a serious nature, he is innocent until proven guilty
 - d) He will not interfere with the witnesses nor abscond as he wishes to clear his name
 - e) He denies taking anything from the virtual complainants.
- [3] Learned Counsel for the prosecution objects to the accused being released on bail on the basis of the seriousness of the charge and the possibility of the accused absconding as he has already absconded whilst in custody.
- [4] Even though the Constitution provides that the accused is innocent until proven guilty, this does not preclude a Court from remanding persons into custody pending trial, provided that there exists circumstances referred to in Article 18 (7) of the Constitution.
- [5] In this instant case the charge against the accused Robbery with violence attracts a maximum term of life imprisonment. This in itself establishes the seriousness of the offence with which the accused has been charged.
- [6] Further the accused after being arrested and being in the custody of the police has attempted to escape as borne out by the fact that he has been charged for Escape from Lawful Custody in the Magistrates' Court on the 28th of May 2021 after his arrest. It appears that even though the offence occurred on the 16th of April 2021, he was arrested several weeks later and thereafter tried to escape from lawful custody on the 17th of May 2021. I am satisfied that substantial grounds exists to believe that the accused if released on bail would abscond.

[7] It is also apparent from the charge sheet that a weapon has been used during the robbery to threaten the victim and not only has the victim being assaulted and threatened during the robbery, a friend of the victim one Bernard Sinon had also been threatened when he had asked the accused why he had attacked the victim. The charges indicate the violent and volatile nature of the accused.

[8] For the aforementioned reasons, I proceed to decline the application for bail and am satisfied on consideration of all the above facts that substantial grounds exists for the further remand of the accused into custody. The application for bail is declined. The need to consider stringent conditions therefore does not exist.

Signed, dated and delivered at Ile du Port on 27th September 2021.



M Burhan J