

SUPREME COURT OF SEYCHELLES

Reportable
[2022] SCSC
CO100/2021

In the matter between:

THE REPUBLIC
(rep. by Corrine Rose)

Republic

and

KEN JEAN CHARLES
(rep. by Oliver Chang Leng)

1st Accused

TERRY MARIE
(rep. by Audric Govinden)

2nd Accused

SINDU PAREHK
(rep. by Alexia Amesbury)

3rd Accused

PHILIP PIERRE
(rep. by Basil Hoareau)

4th Accused

Neutral Citation: *Rep v Charles & Ors* (CO100/2021) [2022] SCSC (04th March 2022)
Before: Burhan J
Heard: 23rd February 2022
Delivered: 04th March 2022

ORDER

BURHAN J

[1] The 3rd accused Sindu Cliff Parekh on whose behalf the bail application is being made stands charged as follows:

Counselling or procuring another to commit the offence of murder, contrary to Section 193 of the Penal Code read with Sections 22 (d) & 24 and punishable under Section 194 there under.

Sindu Cliff Parekh 46 years old Businessman residing at Eden Island, Mahe, on or around the 2nd week of September 2021, counseled or procured one Ken Wess Jean-Charles 42 years old Self Employed residin at Le Noile, to murder one Berney Appasamy, 37 years old male of Kosovo, Roche Caiman.

- [2] This is the third application for bail on behalf of the 3rd accused Sindu Cliff Parekh by his learned Counsel Mrs Amesbury. This accused together with three other accused have been charge on various Counts concerning the Murder of one Mr. Benny Appasamy. The first bail application was denied by Order dated 13th December 2021. Thereafter another bail application dated 21 January 2022 was withdrawn. A further application (referred to as the second motion for bail) dated 4th February 2022 has been filed seeking bail mainly on the medical condition of the 3rd accused.
- [3] The main medical condition urged is that he 3rd accused is having a Nephrolythiasis in left Kidney (Kidney stones), a simple cyst on right kidney. Bladder polyp and chronic cystitis with urethritis. The recommended treatment as per the medical certificate is to observe hygienic conditions and increase intake of water and not to restrict or hold urination.
- [4] Having considered the medical certificate before me and the recommendation contained therein, I find that most of the recommended treatment for the said conditions the accused suffers from are within his own control. Increasing his daily intake of water and not restricting or holding urination and to maintain his personal hygiene does not need constant medical supervision. It is clear that the other specialised treatment recommended including treatment for infection if necessary is available for all patients at the Victoria Hospital and the report does not state that the medical condition of the accused is unstable or life threatening or that he is suffering from a condition that cannot be treated

at Victoria hospital and needs specialised treatment abroad. Further close monitoring by specialised physicians and Urologist in the event of any illness getting aggravated whilst in remand, is available at the Victoria Hospital when necessary to any person in remand and even hospitalisation whilst under guard surveillance, is available even without Court orders. Having considered these facts, I find no reason to release him on bail based on the medical grounds provided. I therefore proceed to reject the application for bail.

[5] Learned Counsel has also brought to the notice that another suspect Daiyan Ebrahim brought to Court in a 101 Criminal Procedure Application has been released on bail. At present the 3rd accused stands formally charged for serious offences that attracts life imprisonment unlike the suspect who was released on bail who had no charges framed against him but was produced on a 101 CPC Application. It is too premature to consider at this stage the veracity of the evidence the prosecution relies on to prove its case against the 3rd accused.

[6] All other matters urged by learned Counsel Mrs. Amesbury have already been dealt with by this Court in the Ruling dated 13th December 2021 and for reasons contained in both Orders the application for bail is declined and the remand into custody of the 3rd accused is further extended.

Signed, dated and delivered at Ile du Port on 04th March 2022.

M Burhan J