

IN THE SUPREME COURT OF SEYCHELLES

THE REPUBLIC

VS.

RANCY LARUE (Accused)

Criminal Side No. 8 of 2007

Mr. Chetty for the Republic

Mrs. Antao for the Accused

RULING

Gaswaga, J

This Court has considered the application for release on bail of the accused and the reply and or objection thereto by the prosecution. It is worth noting that bail is a constitutional right that an accused is entitled to enjoy unless the offence with which he is charged and or the surrounding circumstances fall within the exceptions of Article 18(7) of the 1993 Constitution. Further, the accused is presumed and remains innocent until proven guilty or pleads guilty. **See D.P.P vs. Woolmington A.C 462.** The discretion to grant or not to grant bail is entirely within the province of the Courts. However, this discretion must be exercised judicially after carefully putting into consideration all the factors in favour and those against the accused in light of the offence, how it was committed, its prevalence, effect on the victim and society as well as the applicant's antecedents, employment, welfare and family. **See R. vs. P. Gemmelle & Ors CR. No. 11 of 2007.**

The accused is being charged with the offence of ‘Trafficking in a controlled drug’ which attracts a very long period of maximum imprisonment in case of a conviction. There is no doubt that in this country this offence is on the increase despite the many pending prosecutions in the Supreme Court. Since my ruling of the 21st February, 2007 I have not seen any change in circumstances or anything diminishing the seriousness of this offence so as to warrant the release of the accused on bail. **See R. vs. Cliff Emmanuel & Richard Freminot CR. No. 85 of 2003 and R. vs. Noddy Agathine CR. No. 38 of 2005.**

Once again, having considered the submissions of both counsels, I feel the circumstances of this case dictate that the applicant be left on remand in custody at Montagne Posee Prison. **See Section 179 of the Criminal Procedure Code, Cap 54.** Accordingly, the application is refused.

The case will be mentioned onApril, 2007 at

I so order.

D. GASWAGA

JUDGE

Dated this 20th day of March, 2007