

[WILSON, P., ZEKIA, VASSILIADES and JOSEPHIDES, JJ.]

MICHAEL APOSTOLOU TSOUKA,

Appellant,

v.
THE POLICE,

Respondents.

(*Criminal Appeal No. 2564.*)

1962
Oct. 30

MICHAEL
APOSTOLOU
TSOUKA

v.
THE POLICE

Bail—Matters to be considered in determining whether or not bail should be granted—Evidence—Appeal against the refusal of the committing judge to grant bail.

This was an appeal from the refusal of the committing Judge to allow bail. The High Court applying the well known principles laid down in its latest decision *Rodosthenous* and another v. *The Police* 1961 C.L.R.50, dismissed the appeal. The relevant part of *Rodosthenous* case (*supra*) reads as follows:—

"Now, there is no difference between the parties as to the matters that are to be considered by a Court or by a Judge in determining whether or not bail should be granted. The primary ground is whether or not the accused is likely to attend and stand trial, but that is not the only matter that has to be considered and, amongst others, are the seriousness of the offence, the likelihood of another offence being committed, or the same offence being repeated while on bail, and the possibility of witnesses being tampered with. All these are matters that may be taken into consideration, and, in some of the decided cases, one or more of these matters have been the governing factors in deciding to refuse bail".

Held : (1) It is quite clear from the judgment under review that the Court has taken into account the seriousness of the offence, the penalty which conviction entails and the evidence given during the application for bail and at the preliminary inquiry. The trial Judge took also into account the evidence of the Superintendent of Police and arrived at the conclusion that it appeared to him the accused may commit the same or another offence if let at large and further it appears that the lives of the accused are in danger.

(2) Therefore, the appeal must be dismissed.

Appeal dismissed.

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Cases referred to :

Rodosthenous and another v. The Police 1961 C.L.R. 50.

Appeal against the refusal of the lower court to grant bail.

The appellant was on the 13.10.62, refused bail at the District Court of Famagusta (Kourris, D.J.) on completion of his preliminary inquiry into charges of possessing firearms (Cr. Case No. 5032/62) whereby he was committed for trial by the Assizes.

K. Saveriades for the appellant.

S. Georghiades for the respondents.

The judgment of the Court was delivered by :—

WILSON, P. : We think it is unnecessary to call on Counsel for the Republic in this case.

There was evidence before the Judge who heard the application for bail from which one could reasonably arrive at the conclusion to refuse it and we are called upon to review the discretion exercised by the trial judge.

We must follow the principles which have already been laid down and to which counsel for the appellant has in part referred. The principles are so well known and I need do no more than quote from *Rodosthenous & another v. The Police* (Criminal Appeals Nos. 2339 and 2340), the latest decision of this Court, now reported in 1961 C.L.R. 50, pp. 51-52 :

“Now, there is no difference between the parties as to the matters that are to be considered by a Court or by a Judge in determining whether or not bail should be granted. The primary ground is whether or not the accused is likely to attend and stand trial, but that is not the only matter that has to be considered and, amongst others, are the seriousness of the offence, the likelihood of another offence being committed, or the same offence being repeated while on bail, and the possibility of witnesses being tampered with. All these are matters that may be taken into consideration, and, in some of the decided cases, one or more of these matters have been the governing factors in deciding to refuse bail”.

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