

JERSEY / JUDGMENT

AG v Dhar [2020] JRC 069 (24 April 2020)

[2020] JRC 069

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE DEPUTY BAILIFF: 1. Mr Dhar, we have considered your application for bail, and the Schedule 1 to the Criminal Procedure (Bail) (Jersey) Law 2017 (the "Bail Law"); which provides: "A defendant's right to be granted bail may be denied if the court is satisfied that there are substantial grounds for believing that the defendant, if granted bail (whether subject to conditions or not) would - (a) fail to surrender to custody; (b) commit an offence whilst on bail; (c) interfere with witnesses or otherwise obstruct the course of justice, whether in relation to the defendant or any other person." 2. The relevant considerations under paragraph 1 of Schedule 1 to the Bail Law provide that "In determining for the purposes of paragraph 1 whether the court is satisfied that there are substantial grounds for believing that a defendant, if granted bail (whether subject to conditions or not), would do anything specified under that paragraph, the court shall have regard to such of the following considerations as appear to it to be relevant -" And the relevant considerations in so far as this application are concerned are "(a) the nature and seriousness of the offence" And of course in this case we are dealing with a very serious case, an allegation of rape. (b) the character, antecedents, associations and community ties of the defendant;" There, we bear in mind your good character, your lack of previous convictions, but also the fact that you have no ties to the island, you were only here for a week or so prior to the alleged offence being committed. "(d) ... the strength of the evidence of the defendant having committed the offence" We have had regard to that and plainly we make no findings but this certainly cannot be categorised as a weak case, as has been suggested by your counsel. There is certainly a significant case for you to answer. But you have pleaded not guilty and people are acquitted of similar charges on indictment by the jury. 3. We apply those considerations to the questions of risk and the members of the Court are satisfied that in view of your absence of ties to the island there are substantial grounds for believing that you would fail to surrender. 4. In view of the fact, on the Crown's case, you did commit a further offence shortly before your remand on custody, the Court is of the view there are substantial grounds for believing that you would commit an offence whilst on bail. And in relation to the hotel offered as a bail address bearing in mind, as we understand it, it was the hall porter who received the first complaint of the complainant there must be a risk of interfering with the witnesses. 5. So, the Court has no option today but to refuse your application for bail. Certainly if there were to be any change in circumstance or your trial date were to be put back then we would reconsider any question of bail, and of course you are entitled to apply for bail in any event at any subsequent hearing. 6.

That being the case we adjourn your case to the 14 th May at 9:30 for a plea and directions hearing and in the meantime you are remanded in custody. Authorities Criminal Procedure (Bail) (Jersey) Law 2017 Page Last Updated: 30 Apr 2020 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2020/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-dhar-2020-jrc-069-24-april-2020>

Prepared on 26 October 2026 · Esheria