

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

M.227/86

3

4/7

BETWEEN

HORUA

794

Applicant

A N D THE POLICE

Respondent

**NOT
RECOMMENDED**

In Chambers

Hearing: 12 June 1986

Counsel: Ms Diana Shirtcliff for Applicant
M. Zarifeh for Respondent

ORAL JUDGMENT OF WILLIAMSON J.

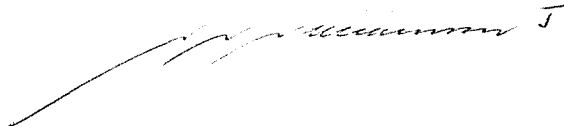
This is an application for bail. The Applicant pleaded guilty to a charge of using a document to obtain a pecuniary advantage and has been remanded for sentence in the District Court on the 24th June 1986. He has also pleaded not guilty to charges of attempted false pretences, theft and escaping, and has been remanded on these charges until 11th August 1986. I am advised that the charge of escaping arises from the circumstances of the Applicant's arrest on the charge of using a document to obtain pecuniary advantage.

The Applicant is aged 30. He has a list of convictions which relate to property offences, including charges of using documents for which he was sentenced to eight months' imprisonment in November 1985.

In circumstances such as these where the Applicant has submitted to the jurisdiction of the District Court in entering a plea of guilty and when the period involved in the remand pending sentence will be deducted from the total period of any sentence he might ultimately receive, the circumstances in which bail will be granted by this Court will be extremely rare. The factor which influences me in this case is that the Applicant has a de facto wife and two children, including a child of two weeks. His de facto wife is apparently greatly

in need of assistance at this stage and I am of the view that with the proper precautions it is appropriate for bail to be granted since it will be of assistance to the Applicant's de facto wife and youngest child and will enable the Applicant and his de facto wife to jointly make arrangements with any appropriate agency for assistance in the future.

For these reasons, bail is granted on the basis of \$1,000 with two sureties of the same amount. The Applicant is to report daily to the Christchurch Central Police Station between 4 and 8 p.m. It is a condition of his bail that he reside at 22 Broadbank Street and that he seek help from appropriate social service agencies for his de facto wife and children.

A handwritten signature in dark ink, appearing to be 'R.A. McL. Fraser', with a long horizontal stroke extending to the left.

Solicitors:

R.A.McL. Fraser, Christchurch, for Applicant
Crown Solicitor, Christchurch, for Respondent