

IN THE MATTER of an application  
for bail

BETWEEN ELSTON of  
Christchurch, Railway  
Shunter

Applicant

A N D THE POLICE

Respondent

In Chambers:

Hearing: 1st February 1990

Counsel: D.C. Ruth for Applicant  
J. Sandston for Respondent

---

ORAL JUDGMENT OF WILLIAMSON J.

---

The Applicant seeks bail. He has been charged with ten offences of arson involving a warehouse, cars, stands of trees, hay stacks. These offences allegedly occurred from the 23rd December 1989 to the 2nd January 1990. Initially he was granted bail on the 3rd January but later, on the 18th January, after further charges had been laid, he was remanded in custody. At present he is remanded to appear at a pre depositions conference on the 27th February 1990.

In relation to these offences another man, Calvin Tregoning, was more actively involved than the Applicant. Tregoning has been granted bail subject to conditions. Counsel for the Crown was unable to point to any reason why Tregoning should have been granted bail while this Applicant was refused.

The District Court file does not contain any noted reasons for the refusal of bail. Such reasons are, of course, matters to which this Court must properly have regard, even although this application is one made to the inherent jurisdiction of this Court and is considered de novo.

The Applicant has no significant previous history and it appears clear that his remand in custody has been based upon the very serious nature of these charges and the clear necessity for the Applicant to receive psychiatric assessment and assistance. Initially there was a fear that the Applicant might endeavour to commit suicide or to harm himself in some other way. Now a report on the Applicant is available from Dr Peter Griffiths of the Forensic Psychiatric Service at Sunnyside Hospital. That report states that there is no psychiatric recommendation regarding disposition of the Applicant. He has not been found to be suffering from any psychiatric illness but rather to have been a person overwhelmed by financial problems and having been affected by drugs and alcohol. The report suggests that a custodial sentence may not be in his best interests but that he would benefit from counselling and supervision.

Clearly the Crown has properly opposed bail in relation to this Applicant, and no doubt his co-accused, upon the basis that any further offending of this nature would be contrary to the public interest. It is certainly serious offending. In my view, however, because the offending was committed substantially because the Applicant was associated

with his co-accused in the offence and because his co-accused has been granted bail, it is appropriate to grant this Applicant bail also but upon strict terms.

He is granted bail on his own bond of \$1500 and upon conditions:

1. That he reside with his mother at 27 Chichester Street, Christchurch.
2. That he report to the Police once per week on a Wednesday between 4 p.m. and 8 p.m. at the Central Police Station.
3. That he not associate or contact or have any contact with the co-accused Calvin Tregoning.
4. That he refrain during the period of bail from any consumption of alcohol or drugs except on the prescription of a medical practitioner.

A handwritten signature in black ink, appearing to read "Solicitor J.", is written across the bottom right of the page.

Solicitors:

Brockett James, Christchurch, for Applicant  
Crown Solicitor, Christchurch, for Respondent