



CRIMINAL COURT

**HIS HONOUR THE CHIEF JUSTICE
VINCENT DE GAETANO**

Sitting of the 31 st October, 2008

Number 1111/2008

**The Police
(Inspector Ivan Cilia)**

v.

MD Eakramul Hasan

The Court:

Having seen again the application by MD Eakramul Hasan of the 27 October 2008 requesting that he be granted bail;

Having seen the Attorney-General's reply of the 28 October 2008 to the effect that he does not oppose the granting of bail;

Having heard submissions by counsel for applicant and for the respondent Attorney General during to-day's

sitting; having also heard, during the said sitting, Inspector Ivan Cilia on oath;

Considers:

The fact that the Attorney General is not opposing the granting of bail does not necessarily mean that this court – or, indeed, any court of criminal justice – must or should grant bail. The Attorney General's and the prosecution's views are, of course important; but what is decisive of the issue is the court's appreciation of the existence or otherwise of the dangers referred to in paragraphs (a) to (e) of subarticle (1) of Article 575 of the Criminal Code. In the instant case, applicant MD Eakramul Hasan was arraigned on the 3 October 2008 and charged with **fraud** and **misappropriation** to the detriment of Abdul Ghani Shah, **calumnious accusation**, **fabrication of false evidence** and **simulation of an offence** to the detriment of two persons (and involving in the process a bomb threat in respect of the American Embassy and the British High Commission in Malta), and **making an improper use of the telephone network**. From the evidence heard this morning it transpires that Abdul Ghani Shah has been compensated for the loss sustained as a result of the first two charges. Moreover, as appears from the minute of the hearing of the 21 October 2008 before the Court of Magistrates (Malta) as a Court Criminal Inquiry, applicant pleaded guilty to all the charges on that day, that is on the 21 October 2008. Inspector Cilia further informed this Court that the prosecution has no further evidence to produce before the Inferior Court. This notwithstanding, the Court of Magistrates, in its decree also of the 21 October 2008 given pursuant to a previous application for bail, dismissed the request for bail, noting in the process that although the accused (who is a Bangladesh national) has a residence permit and also a Maltese Identity Card, he has no particular ties with Malta (other than the said residence permit), and moreover is by profession a seaman, which increases the risk of his absconding. This court – the Criminal Court – agrees with that decision. It is not satisfied that, if granted bail, there will not be a danger of accused hindering the proper administration of justice

Informal Copy of Judgement

in the ways indicated in paragraphs (a) and (b) of the aforementioned subarticle (1) of Article 575. Moreover, since he has pleaded guilty to all the charges, there is no more, at this stage, any presumption of innocence; and, with no further evidence to produce, there is no reason whatsoever why this case should not be dealt with expeditiously.

For these reasons, applicant's request for bail is dismissed. The Court orders that a copy of this decree be forthwith served upon applicant, and communicated to the Commissioner of Police and the Attorney General.

< Final Judgement >

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