

REPUBLIC OF MAURITIUS

PROVISIONAL

INFORMATION UPON ...*Oath*...

Cause No. *38/25*

CHARGE OF: MONEY LAUNDERING

Breach of sections: 36 (1) (b) and 38 of the Financial Crimes Commission Act 2023.

BEFORE THE DISTRICT COURT OF RIVIERE DU REMPART

P. S. 1809 an officer of Police
maketh *S. H. T.* and saith as follows:

THAT in or about the month of April 2024 at the ABSA Bank, Grand Bay, in the district of Rivière Du Rempart, one **YINKA ADERIBIGBE**, of age, Student, Nigerian National, holder of Passport No. B 01080928 and actually residing at Sandy Lane, Pereybere was wilfully, unlawfully and criminally in possession of property which, in whole or in part directly or indirectly represented, the proceeds of a crime, where he, the said **YINKA ADERIBIGBE** had reasonable grounds for suspecting that the property was derived, in whole or in part, directly or indirectly from a crime.

PARTICULARS

In or about the aforesaid month and place, the said **YINKA ADERIBIGBE** was in possession of property, to wit: sum of MUR 1,175,000/- in his bank account no. 0162004077, which sum, in whole or in part, directly or indirectly represented the proceeds of a crime and where he, the said **YINKA ADERIBIGBE**, had reasonable grounds for suspecting that the said sum was derived in whole or in part, directly or indirectly from the said crime.

WHEREFORE the said complainant prayeth the Court that the said accused be brought before it and dealt with according to law.

TAKEN AND *S. H. T.*

Before me, the undersigned District Magistrate, this

9th day of *January* in the

S. H. T.
District Magistrate, in and for the District of Rivière Du Rempart.

IN THE DISTRICT COURT OF RIVIERE DU REMPART

PCN: 38/25

In the matter of:

Yinka Aderibigbe

Applicant

v.

Police

Respondent

RULING


Applicant stands provisionally charged with the offence of **money laundering** in of breach of **sections 36(1)(b) and 38 of the Financial Crimes Commission Act 2023**, to wit, on or about April 2024, he was wilfully, unlawfully and criminally in possession of the sum of Rs.1,175,000/- in his ADSA bank account which, in whole or in part, directly or indirectly, represented the proceeds of a crime.

He moved for bail. He was assisted by Mr Cooshna. Mr Arzamkhan appeared for the Financial Crimes Commission (FCC) in the presence of Police Prosecutor. Mr Bholah, Senior Investigating Officer (SIO) at the FCC, sustained under solemn affirmation that there is objection for Applicant's release on bail on the following grounds:

- 1) risk of absconding; and
- 2) risk of interfering with witnesses and tampering with evidence.

Section 4(1)(a)(i) of Bail Act 1999 (Act 32/1999) ["the Bail Act"] provides that the Court may refuse to release a defendant or a detainee on bail where it is satisfied that there is reasonable ground for believing that the defendant or detainee, if released, is likely to fail to surrender to custody or to appear before a Court as and when required.

Here, the SIO explained that the FCC launched a communiqué following a complaint recorded by a lady against Applicant, and several persons reported that they were made to believe that they were investing on a platform dealing with cryptocurrency but the money was used for the purchase of assets in personal names and for personal expenses. He added that the fraud involves 30 million rupees, the examination of Applicant's electronic devices shows that he holds 9 crypto wallets, and the enquiry shows that he holds accounts at the MCB and at the ABSA. Nevertheless, the present provisional charge mentions nothing about the MCB bank accounts and the crypto wallets. The alleged offence is in relation to an ABSA bank account in which the sum of Rs.1,175,000/- was found on or about the month of April 2024.


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In that respect, the evidence against Applicant, consisting of complaints made against him, the sum of Rs.1,175,000/- found in his ABSA bank account in April 2024, and his ABSA bank statements showing sums transferred to his account by various persons and a sum of 8 million rupees transferred from his account to a third party who is closely connected to him. As such, the nature of the evidence against him appears strong, and the likelihood that he may flee the country because he may incur a heavy penalty if found guilty beyond reasonable doubt by a Court of law is a relevant consideration.

Moreover, the SIO explained that Applicant is a foreigner, he believes that he is a person of means, and he has no permanent address because he was previously residing at Vacoas, and now he resides at Pereybère. But he conceded that Applicant did not resist arrest, he gave the address at Vacoas to the Passport Immigration Office when he came to Mauritius as a student, he now holds a dependent permit because he got married and his wife works in Mauritius by virtue of an occupational permit, they reside at Pereybère, and they have a young child. He also conceded that Applicant's passport was seized, and his bank accounts are subject to a freezing order. The Court notes from the case file that on 09.01.2025 a prohibition order was issued preventing Applicant from leaving Mauritius until the disposal of the charge against him, and his address is mentioned as being Sandy Beach Lane, Pereybère. In the circumstances, the Court is of the view that the risk of absconding, though plausible, is not shown to be of a high magnitude.

As regards the risk of interference with witnesses and tampering with evidence, **section 4(1)(a)(iii) of the Bail Act** provides that a Court may refuse to release a defendant or a detainee on bail where it is satisfied that there is reasonable ground for believing that the defendant or detainee, if released, is likely to interfere with witnesses, tamper with evidence or otherwise obstruct the course of justice, in relation to him or to any other person.

In **Deelchand** (*supra*), it was observed that to satisfy the Court that there is a serious risk of interference with a witness, satisfactory reasons, and evidence in connection thereof where appropriate, should be given to establish the probability of interference with that witness by applicant.

In the case at hand, it is very unlikely that Applicant will tamper with the electronic devices seized by Respondent, bank accounts subjected to a Judge's order or identified crypto wallets which are subject to Respondent's supervision and are in the process of being blocked by the Financial Services Commission. It is apposite to note that the wife of Applicant is at large, and there is no evidence adduced to show that she attempted or did tamper with any piece of evidence especially that the incident dates back to June 2024.

Moreover, the evidence on record shows that names of the transferors appear on the bank statements of Applicant, the latter was confronted with the statement recorded against him and the FCC has already contacted the person having received the sum of 8 million rupees from his bank account for interview. Hence, the probability that Applicant interferes with witnesses and tampers with evidence, though plausible, is not shown to be of a high magnitude taking into account that he himself gave Respondent access to his bank statements.


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The rationale of the law of bail at pre-trial stage is explained in **Maloupe v District Magistrate of Grand Port i.p.o. Director of Public Prosecutions [2000 SCJ 223]**. The Supreme Court observed that a person should normally be released on bail if the imposition of the conditions reduces the risk of absconding, risk to the administration of justice, risk to society to such an extent that they become negligible having regard to the weight which the presumption of innocence should carry in the balance; and when the imposition of the conditions is considered to be unlikely to make any of the risks negligible, then bail is to be refused.

In the current circumstances, the Court is of the view that the identified risks can be reduced by the imposition of stringent conditions to render them negligible having regard to the weight which the presumption of innocence would carry in the balance. The imposition of two sureties, a recognisance, a curfew order and the obligations to report to the nearest police station, to have a fixed place of residence, not to participate in sea activities, to seek the permission of the Court before travelling abroad and to be equipped with a mobile phone with GPS system activated or a tracking tool/app/device installed would allow the police to monitor his whereabouts. Furthermore, the obligations not to tamper with the bank accounts and crypto wallets subject to the enquiry, not to misuse electronic devices to impede the investigation, and not to communicate with any person, other than his Counsel and the authorities, in connection with the present matter would abate the risk of interfering with potential witnesses and tampering with evidence.


Besides, the Court notes that Applicant is held in custody since 08.01.2025, and there is no indication when exactly he will stand trial.

On the basis of the above, Applicant is granted bail subject to the fulfilment of the following conditions by him:

- i. to provide two sureties in the sum of Rs.250,000/- each by bank cheque;
- ii. to enter into a recognisance in the sum of Rs.5,000,000/-;
- iii. to submit a mobile phone to the relevant police department for either (a) the GPS system to be activated or (b) a tracking tool/app/device to be installed on the said mobile phone by the police, and the said mobile phone is to physically remain with him at all times, be used solely and exclusively for monitoring purposes, the relevant mobile number is to be communicated to one or more police officers nominated for that purpose, to ensure that the said mobile phone is in good working condition and opened for communication at all times;
- iv. to reside at a fixed place of residence indicated by him to the police;
- v. to remain at his place of residence daily from 8 pm to 7 am, by virtue of a curfew order hereby imposed upon him, and in case of emergency situation, he has to inform the police of same before leaving his place of residence during the said curfew hours;
- vi. to report to the police station nearest his place of residence twice daily, 7 days a week, once between 7 am and 10 am and once between 4 pm and 7 pm;
- vii. to inform the police of his daily movements each time he reports to the police station;
- viii. not to leave the country, whether by sea or by air, without the Court's permission;
- ix. not to participate in sea activities;


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- x. not to misuse electronic devices to impede directly or indirectly the enquiry;
- xi. not to tamper with bank accounts and crypto wallets which are subjected to the investigation carried out by Respondent;
- xii. not to communicate with any person, other than his Counsel and the authorities, in connection with the present matter either in person or by means of any technology such as phone, email or any social media platform; and
- xiii. to remain accessible and/or promptly available, should the police request and/or require to see him at any given time for the purposes of the enquiry.


Z Cassamally (Dr)
Ag Senior District Magistrate,
27.01.2025