

IN THE BAIL AND REMAND COURT

PRISCILLA CHOKUPERMAL

APPLICANT

V

POLICE

RESPONDENT

RULING

1. The applicant stands provisionally charged with the offence of Money Laundering in breach of section 36 (1) (b) and 38 of the Financial Crimes Commission Act 2023, as laid out in information PCN 1229/25 before the District Court of Moka dated 12 December 2025.
2. Applicant moved to be admitted to bail. She was represented by Me Gulbul appearing together with Me Bacorisien at the time of bail hearing. Motion of applicant is being resisted by the respondent, represented by Me Nulliah of the FCC assisted by PS Kaniyah.

A. Respondent's Case

Grounds of objection

3. The Prosecution called Enquiring Officer ("EO") of the FCC to resist the present motion for release on bail of the applicant, on the ground that the applicant may interfere with witnesses and tamper with evidence if she is released on bail. The EO deposed to the following effect –

Facts and Circumstances

4. The present case is a case of fraud whereby the applicant undertook to issue citizenship certificates and identity cards in return for money. Fake citizenship certificates and fake identity cards have been obtained and several persons have been interviewed.

Risk of interference with witnesses

5. In substantiating the present ground of objection, the EO stated that thirteen 'victims' identified and suspected have been identified. Their versions need to be recorded. The FCC is in the process of identifying all thirty victims and bank statements will reveal who effected payments. Enquiry has revealed that three other suspects have been identified, two foreigners who have left Mauritius and another person who has not been identified.

The EO stated that there is a fear of intimidation and the FCC has received information that some victims are not willing to come forward to report the case as they are fearful.

Risk of tampering with evidence

6. In substantiating the ground of risk of tampering with evidence, the EO stated that several equipment was used for the fabrication of fake certificates and fake identity cards. This equipment has not been identified. Additionally, affidavits were sworn by the victims and these documents have not yet been traced. This evidence is material and the applicant being aware of this evidence may tamper with it.

Status of Enquiry

7. Enquiry is ongoing and at least 6 months is required to complete the enquiry. The three other suspects need to be interviewed. The remaining victims need to be identified and interviewed.

Cross-examination

8. The EO was cross-examined and confirmed the following –
 - (a) The applicant was arrested on the 12 December 2025;
 - (b) Statements have been recorded from the applicant and exhibits have been secured;
 - (c) The laptop of the applicant was secured and the FCC believes the laptop was instrumental in the commission of the alleged offence;
 - (d) The laptop of the applicant has been analyzed;
 - (e) The applicant has no means to interfere with the IT report;
 - (f) The applicant has consented to the disclosure of her accounts from the banking institutions and the applicant has no means to interfere with the banks;
 - (g) Thirteen victims have been interviewed and they have given their statements;
 - (h) None of the victims interviewed stated that they have been interfered with by the applicant;
 - (i) No complaint has been made that the applicant may tamper with any witnesses;
 - (j) Up to now, there has been no attempt to interfere with witnesses;
 - (k) Items used to make certificates and cards may or may not be found;
 - (l) The applicant is married and has children;
 - (m) The applicant has a fixed place of abode; and

(n) The applicant's mobile phone has been analyzed and she has cooperated with the police.

B. Applicant's Case

9. Applicant elected to make a statement under oath and deponed as follows –
 - (a) She has been in detention since the 12 December 2025;
 - (b) She will abide to all conditions imposed upon her;
 - (c) She will cooperate and give further statements if needed;
 - (d) She will not interfere with any witnesses or suspects in the present case;
 - (e) She will surrender to court as and when required; and
 - (f) She is married, has two children and her children are with her mother.
10. She was cross-examined by counsel for the respondent.

C. Analysis

11. I have taken into account the constitutional right to liberty as enshrined in section 5(3) of the Constitution, the Bail Act and the rationale for bail as explained in the cases of **Maloupe v District Magistrate of Grand Port [2000 SCJ 233]**, **Hurnam v The State [2004 PRV 53]**, **Labonne v Director of Public Prosecutions [2005 SCJ 38]**, and **Deelchand v The Director of Public Prosecutions and Others [2005 SCJ 215]**.
12. As laid out in the cases of **Deelchand v DPP & Ors [2005 SCJ 215]** and **Hurnam v The State [2004 PRV 53]**, there is a duty on the Court to perform a balancing exercise between the right to liberty of the applicant as enshrined in section 5 (3) of the Constitution and the need to safeguard the interests of the society. Hence, there is a duty on the Court to undertake a two-stage analysis – firstly to assess the risks warranting an objection to bail in light of the evidence adduced before it and if these risks are found to be substantiated, to assess whether the imposition of conditions would reduce the risks to a negligible level.
13. I have considered the facts and circumstances of case, the nature of the evidence adduced during the bail hearing, the submissions of counsel for the applicant and counsel for the respondent, and carried out the required balancing exercise,

Nature of Evidence

14. For the purposes of a bail hearing, this Court is only entitled to determine the nature of the evidence available and shall not delve into the merits of the case or make a thorough assessment of the evidence adduced (vide **Maloupe (supra)**),

15. As per the sworn evidence of the EO, there have been thirteen individuals interviewed in the present case. There is documentary evidence, fake certificates and identity cards that have been seized. The statements of the witnesses confirm that they have remitted sums of money to the applicant. These statements have been verified with the bank statements through the disclosure orders obtained.
16. In addition, the applicant, in cross-examination, has confirmed having given several statements and that she has admitted the charge against her. In light of the evidence adduced at the time of the bail hearing, without delving in the merits of the case, I find that the nature of evidence against the applicant is strong and reliable.

Grounds of objection - risk of interfering with witnesses and tampering with evidence

17. In dealing with the present grounds of objection, I find it relevant to quote the passage from **Deelchand (supra)**, as follows –

"It would be preposterous to hold the view that in each and every application for bail, it would suffice that an enquiring officer should express his fear that the applicant would interfere with one or more witnesses for the accused to be denied bail on that ground. To satisfy the court that there is a serious risk of interference with a witness, satisfactory reasons, and appropriate evidence in connection thereof where appropriate, should be given to establish the probability of interference with that witness by the applicant." [Emphasis added]

18. Further, as **Deelchand (supra)**, citing "Bail in Criminal Proceedings" (1990), Neil Corrie, has given guidance as to the risk of interference with witnesses as follows –

"The exception's most common manifestations are in cases where:

- (a) the defendant has allegedly threatened witnesses;*
- (b) the defendant has allegedly made admissions that he intends to do so;*
- (c) the witnesses have a close relationship with the defendant, for example in cases of domestic violence or incest;*
- (c) the witnesses are especially vulnerable, for example where they live near the defendant or are children or elderly people;*
- (d) it is believed that the defendant knows the location of inculpatory documentary evidence which he may destroy, or has hidden stolen property or the proceeds of crime;*
- (e) it is believed the defendant will intimidate or bribe jurors;*
- (f) other suspects are still at large and may be warned by the defendant*

The exception does not apply simply because there are further police enquiries or merely because there are suspects who have yet to be apprehended" [Emphasis added]

19. I note evidence on record that there are several other victims in the present case who have not come forward and that the enquiring authorities are still in the process of identifying these victims to be able to take statements from them. The EO, in substantiating the present ground, has also stated that information has been received that victims are not willing to come due to fear.
20. As aptly laid out in **Deelchand (supra)**, appropriate evidence and satisfactory reasons need to be provided and there must be evidence that the applicant has attempted, in some ways, to interfere with witnesses. I find it relevant to refer to **Neeyamuthkhan v DPP [1999 SCJ 284A]** where the Court held that a 'generalized risk' as to interference or tampering with evidence would be insufficient and that the risk must be 'identifiable' and evidence in support thereof ought to be adduced.
21. In dealing with the risk of interference with witnesses, I consider the following –
 - (a) the respondent is aware that there are additional victims in the present case and the process of identifying these victims is ongoing;
 - (b) with regard to the victims who have given statements to the authorities, there have been no statements that the applicant has made any attempt to interfere with them;
 - (c) the FCC has received no complaints that there has been any attempt of interference by the applicant with regards to the other victims;
 - (d) this ground of objection is based on information received that certain victims are not willing to come forward due to fear;
 - (e) the EO has conceded that there is a difference between witnesses not willing to come forward and there being interference with witnesses;
 - (f) the EO has also confirmed that the applicant cannot interfere with the IT reports or with the bank authorities in light of the disclosure orders; and
 - (g) there has been no attempt to interfere with witnesses as at date and no evidence has been put forward demonstrating that the applicant has expressed any intention to interfere with witnesses.
22. From the evidence adduced at the time of bail hearing, I note that it has not been shown in what manner the applicant will interfere with witnesses. Indeed, this ground of objection appears to be general in nature and not linked to any specific conduct of the applicant. I also note that the EO has conceded that there is no evidence that the applicant has interfered with any witnesses in the past or has the intention to do so.
23. I find that the only evidence put forward to substantiate the present ground of objection is the information received that there are victims who are not willing to come forward. It is clear that this ground of objection stems from an apprehension of the respondent. I

find that no evidence of actual interference with witnesses has been adduced by the respondent and no satisfactory reasons have been put forward to justify the existence of the present ground of objection. I also note none of the manifestations as laid out in *Deelchand (supra)* has been put forward in the present case.

24. I find it relevant to refer to *Deeljore v Commissioner of Police [2021 SCJ 231]*, where the Court in dealing with the risk of interference with witnesses, held that –

"In relation to the risk of interfering with witnesses, notwithstanding that the enquiry was still at an early stage at the time that the matter was heard before the BRC, respondent no.3 was in presence of a mere statement from the police that the applicant knew suspects who had yet to be interviewed and arrested. There was no real basis put forward before the BRC on which the police reached that conclusion. In fact, the contact numbers in the applicant's mobile phone six months after her arrest had yet to be retrieved. It was also disclosed that the identity of the callers had yet to be subject to an order of the Court. Notwithstanding the missing information as to the identity of other suspects and the police not explaining in what manner applicant could interfere with those witnesses, we find that the Magistrate was wrong to conclude that there was a real risk of the applicant interfering with witnesses without any basis"
[Underlining mine]

25. While this Court does not disregard the concerns expressed by the respondent, a fear in itself, in absence of evidence connecting it to the conduct or influence of the accused, cannot lead to a finding of a real risk of interference with witnesses. Any concern of the respondent can be adequately addressed by the imposition of stringent conditions on the applicant.

26. With regard to the risk of tampering with evidence, I note the statement under oath of the EO that certain equipment have been used to fabricate the fake certificates and identity cards and same have not been discovered yet. I consider the following –

- (a) the applicant has cooperated with the police, as confirmed by the EO. She has had not objection to disclosure orders against her or for her laptop, mobile phone and documents to seized and examined;
- (b) Search was carried out at the premises of the applicant and the registered address of her company and nothing was found;
- (c) the EO has confirmed that the applicant cannot tamper with the IT report or the statements from the bank authorities;
- (d) the admission of the EO during cross-examination that the equipment used for the fabrication of the fake documents may or may not be found; and
- (e) the confirmation of the EO that the laptop seized is believed to have been used in the commission of the offence.

27. The evidence adduced at the time of the bail hearing reveal that the respondent contends that the applicant, if granted bail, may tamper with the equipment used in the

commission of the offence (i.e. equipment used to fabricate the fake certificates and identity cards). I note that the existence and location of these equipment remain uncertain. The applicant has surrendered her laptop, her mobile phone and documents in her custody. A search has been carried out at the premises of the applicant and the registered address of her company. It has not been disclosed what further actions are being taken to retrieve the equipment which the respondent believe exists. It is unclear whether these equipment in fact exist, remains accessible to the applicant and is capable of being tampered with.

28. I take note that no evidence has been ushered in that the applicant has attempted to tamper with or retrieve any such equipment or has expressed the intention to do so. I remain mindful that for the present ground to be substantiated, a real likelihood must be established and not a mere possibility. I find that in the absence of concrete information that identifiable equipment exists and is vulnerable to interference, this ground of objection remains unsubstantiated.

29. I note that the applicant was arrested on the 12 December 2025 and the enquiry is ongoing. However, this Court stresses that the fact that the enquiry is ongoing and has not been completed is not a reason in itself to refuse bail.

D. Balancing Exercise

30. As laid out in **Maloupe v District Magistrate of Grand Port [2000 MR 64]**, this Court must assess whether conditions can be imposed to curb any risks and render these risks negligible. This Court remains mindful that the protection of the public and the preservation of public order remain matters of public interest and due consideration need to be taken by the Court in deciding whether to admit a detainee to bail (vide **Rangasamy v DPP, Record No 90845, unreported 7 November 2005**).

31. Having found the risk of interference with witnesses and tampering with evidence to be unsubstantiated, this Court, nevertheless, shall consider conditions that may be imposed to alleviate the apprehensions of the respondent, in the interests of the society and to ensure that the administration of justice is not frustrated in any manner whatsoever by the granting of bail.

32. This Court considers that the imposition of a recognizance and furnishing one or more sureties will ensure the applicant attends court as and when required and participates in the enquiry. Reporting obligations and the use of mobile phone for communication of movements will ensure police supervision over the applicant and allow the police to supervise the activities and whereabouts of the applicant, reducing the risk of interference with witnesses and tampering with evidence.

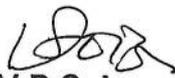
33. In the circumstances, I set aside the ground of objections of the respondent and order that the applicant be admitted to bail on the following conditions –

(a) The applicant is to furnish a first surety in the sum of Rs 500,000/- by bank cheque;

(b) The applicant is to furnish a second surety in the sum of Rs 200,000/- by bank cheque;

- (c) The applicant shall enter into a recognisance of Rs 2,000,000/- in her own name;
 - (d) The applicant shall reside at a fixed address, which shall be provided to the police and the police should be notified of any change in address;
 - (e) The applicant shall report to the police station nearest to her place of residence twice daily, once between 06 00 hours and 10 00 hours and once between 15 00 hours and 18 00 hours;
 - (f) The applicant is to inform the police of her daily activities and whereabouts every time that she reports to the police station and is to give the police an itinerary of her movement for the following day each time she reports to the police station;
 - (g) the applicant shall have in her possession a mobile phone in good working condition, the phone number of which to be provided to the police, so that she may be contacted by the police, as and when required;
 - (h) a curfew order is imposed on the applicant. The applicant shall stay at her residential address, as provided to the police, from 21 00 hours to 05 00 hours on a daily basis. In case of emergency warranting her to go out, she must contact the police to inform them of her predicament before leaving her residence during the hours of curfew;
 - (i) the applicant shall undertake not to approach or contact any witnesses, potential witnesses, suspects or potential suspected in the present matter, directly or indirectly, through telecommunication devices, social media or any third party;
 - (j) the applicant shall undertake not to leave the country without authorisation of the Court and surrender her passport, if same has not been done already.
34. This Court is of the view that these conditions would be sufficiently safeguard the integrity of the investigation and protection of witnesses while respecting the applicant's right under s 5 (3) Constitution in the present matter. Altogether, the conditions imposed provide judicial and police supervision on the applicant, rendering any lingering risks negligible.

24 February 2025


V.B.Soborun
Ag District Magistrate

