

IN THE DISTRICT COURT OF PAMPLEMOUSSES

Provisional Cause No 250/2025

POLICE

v/s

PRAVIND KUMAR JUGNAUTH

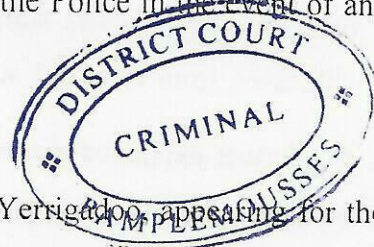
RULING

BACKGROUND

The Applicant is provisionally charged with the offence of “money laundering” in breach of 36(1) (b), (4) and 38 (3) of the Financial Crimes Commission Act.

Following a motion for bail before the Weekend Court on the 16th February 2025, applicant was granted bail under the following conditions (quoted from the ruling PCN 369/25 before the Weekend Court):

- I. The applicant shall furnish two sureties of Rs 750 000 each by bank cheques;
- II. The applicant shall enter into a recognizance in his own name in the sum of Rs 5 million;
- III. The applicant shall, at all times, have in his possession a mobile phone, the number of which shall be communicated to the Police;
- IV. The applicant shall ensure that the mobile phone is in good working condition and within network coverage, so that he may be reached by the Police;
- V. The applicant shall not interfere directly or indirectly with any witness or potential witness;
- VI. Not engage in any communication with any person, other than the investigatory authorities or the Court, in connection with the case, either in person or by means of any technology or mobile or desktop; and
- VII. The applicant is to reside at a fixed place of abode and is to provide the Police with the complete address where he intends to reside and shall notify the Police in the event of any change of address. (underline mine)



On 27th January 2026, Defence Counsels, Me R. Gulbul and Me R. Yerrigalla, appearing for the applicant moved for the Financial Crimes Commission, (FCC) to delegate an officer to provide the applicant with names of those witnesses/potential witnesses with whom he should not interfere. Following an objection to the said motion by the FCC, arguments were heard from both sides.

CASE FOR THE APPLICANT

Put in a nutshell, applicant's deposition under oath can be outlined as follows:

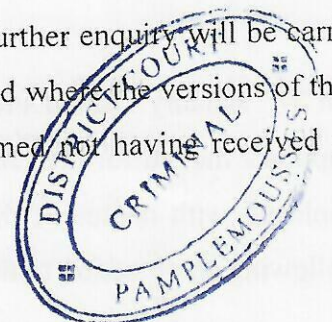
- Applicant was arrested in February 2025;
- So far, the names of 3 persons have been communicated to the applicant;
- During the bail motion, the Enquiring Officer (EO) had confirmed that a maximum of 1 week was needed for the other identified witnesses to be interviewed;
- Nevertheless, up till now no new names has been communicated to the applicant;
- Among the conditions imposed on the applicant at the time he was granted bail, two conditions are of essence, namely condition (v) and (vi);
- Applicant being a former Prime Minister and an active politician, meets many people on a daily basis and attends various social gatherings;
- Applicant fears he might be in breach of the above-mentioned conditions, since he is unaware whether some of those people might be among the potential witnesses he is not supposed to interfere with;
- In light of the above, applicant is moving for the court to order the FCC to communicate the names of all the witnesses that he is not supposed to interfere with, either directly or indirectly.

During cross-examination, the applicant denied the fact that he will be tempted to interfere with those witnesses if their names are communicated to them, maintaining that such was not the case with the three witnesses, whose names were already communicated to him.

CASE FOR THE RESPONDENT

The Enquiring Officer, Chief Investigator Khemrajsing Jokhoo, deponed to the fact that since the date of arrest of the applicant in February 2025, certain witnesses were identified for interview, however over time this list has significantly increased with the FCC now having already interviewed 68 witnesses, from whom 91 statements were already recorded.

He further explained that based on the evidence of these witnesses, further enquiry will be carried out and only once the enquiry is complete, applicant will be interviewed where the versions of those witnesses will be put to him. He was cross-examined and he confirmed not having received any complaint against the applicant for interfering with any witnesses.



APPLICANT'S SUBMISSION:

In a gist, applicant's submission was to the effect that those two conditions taken together, cast the net very wide in the manner in which applicant should not communicate or assemble with other persons. It was further argued that bail conditions should be reasonable, proportionate and clear so that the applicant is aware of the conduct that he should refrain from adopting. In absence of this, applicant, being a former Prime Minister and an active politician, might not only fall foul of those conditions but might also have face serious consequences under section 22 (a) (iii) of the Bail Act 1999 and section 62 1 (a) of the FCC Act 2023. Counsel maintained that if applicant, unbeknown to himself, meets with those witnesses/potential witnesses, drastic measures might be taken against him, under section 22 (a) (iii) Bail Act 1999 and sections 62 (1) (a) and 141 (2) (a) of the Financial Crimes Commission Act 2023.

RESPONDENT'S SUBMISSION:

Counsel for the FCC submitted that there was no statutory provision catering for applicant's motion and that in fact section 161 of the Financial Crimes Commission prohibited the employees of the FCC to disclose evidence to maintain the sanctity of the information. He further submitted that the list of witnesses, which forms part of their evidence, will be confronted to the applicant in due course. It was also submitted that the applicant has seized the wrong court if he was seeking to vary his bail conditions and that the latter did not put forward any compelling reasons as to why his bail conditions should be reviewed.

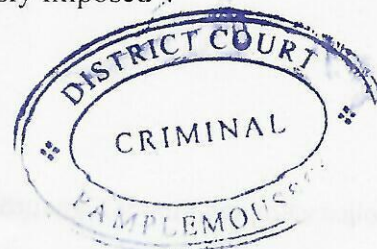
ANALYSIS

To begin with, what are the powers of this court regarding bail conditions?

Section 7(5) of the Bail Act provides as follows –

“A Court before which a charge is pending in respect of which bail has been granted may at any stage, whether the bail was granted by that Court or any other Court, on application by any party, vary or add a condition of bail.” (underline mine)

While the words “vary” is not interpreted in the said Act, the dictionary meaning is “modify, alter, or change a specific restriction, term, or requirement that was previously imposed”.



Therefore, contrary to what was submitted by counsel for the FCC, this court definitely has the jurisdiction to vary or add a condition of bail, provided this is what is being asked by the party. So, is this a motion to vary a bail condition?

A careful analysis of the motion made by counsel for the applicant, reproduced verbatim here, is as follows:

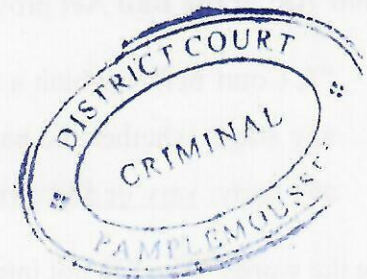
- “Defence moves for the FCC to delegate an officer to provide to the accused, the names of those witnesses/potential witnesses whom he should not interfere with” (page 19 of the court proceedings) and
- when this motion was objected to, applicant moved for “the court to order the FCC to communicate the names of all the witnesses that he is not supposed to interfere with, either directly or indirectly” (page 27).

The motion as it stands, is clear and devoid of any ambiguity. Applicant is asking this court to order the FCC to communicate to him the names of those witnesses, with whom he cannot interfere, since no names were added to condition (v) of the ruling when it was delivered by the Weekend Court.

The main issue to be determined here is whether the above-mentioned motion qualify as a motion to “vary” bail condition (V) of the Ruling delivered on the 16th February 2025.

The Court is of the considered view that the motion as it stands, does not amount to a motion for variation of bail condition (v), and as such does not fall within the specifically clear statutory purview and powers of this Court to vary bail conditions.

In light of the above, I set aside the motion made by counsel for the applicant.



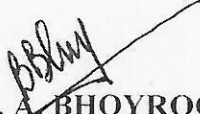
Before concluding, I feel obligated to address certain critical points which have been raised during the arguments. Whilst in most of the criminal cases, an accused who has been granted bail under the condition "not to interfere with witnesses/potential witnesses", is already aware of the identities of those witnesses, as they mostly include the declarants and a few other witnesses questioned during the enquiry, there are also certain cases where accused parties are left in the dark and are merely left to speculate as to who those witnesses might be. This mostly happens in cases like the present one, where many witnesses involved.

At this stage, I will like to cite the case of **Jim M. Ntsasa v The State (2023 ZAFSHC 218**, where the following was quoted from **Van der Berg Bail- A Practitioner's Guide 3 ed (2012) at 146-7**

"In assessing the risk of interference with state witnesses (and, if bail is granted, in formulating bail conditions) the court must identify the state witnesses It is unacceptable to leave it to the accused to speculate who the witnesses might be, and to expect him to regulate his conduct in accordance with such speculation. Regrettably, a trend has developed whereby prosecutors tend to withhold witness statements and the names of proposed witnesses from the accused, under the guise of implied threats of intimidation of the witnesses. This places the accused in the impossible position of having to guess with whom he should refrain from communication"

Whatever be the reasons for which the prosecution is withholding those names, while I am not saying those reasons are flawed, the FCC should be aware of the danger underlying such a move, as it cuts both ways. By depriving an accused of the opportunity to regulate his conduct accordingly, prosecution's recourse to remedies for breach of bail conditions, under the Bail Act 1999 and Financial Crimes Commission Act 2023 is also greatly jeopardised.

Last but not the least, for the sake of completeness, I feel duty bound to clarify a crucial point. While the word "interfering with witness" has not been interpreted in the Bail Act 1999, nor has been judicially considered or decided upon, the dictionary meaning of the said term is "any act intended to improperly influence, threaten, intimidate, or prevent a person from providing testimony or evidence in a legal proceeding". It follows that applicant's fear about attending meetings and social gatherings which might put him in breach is clearly unfounded.


S. A. BHOYROO
S. DISTRICT MAGISTRATE

20th May 2026

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