

IN THE DISTRICT COURT OF MOKA

Provisional Cause No: 565/2026

In the matter of:

POLICE

v/s

SANGAREN PILLAYMURDAY

RULING

1. The applicant stands provisionally charged for the offence of "Conspiracy" in breach of section 109(1) of the Criminal Code (Supplementary) Act, for having in the month of August 2024 at Saint Pierre, unlawfully and criminally agreed with other persons p one Steven Moothoocurpen and one Vicky Luckmun, Police Inspector, then posted to ADSU Saint Pierre, to do an unlawful act, to wit: to cause the latter to retrieve an imported consignment, suspected to contain dangerous drugs from the Customs Warehouse at PATS, Plaine Magnien.
2. The applicant, moved before this Court through his counsel, to be admitted to bail.
3. The prosecution objected on the following grounds:
 - (i) risk of interfering with witnesses; and
 - (ii) risk of absconding
4. At the outset, the enquiring officer Chief Investigator Ghoorah (the 'EO'), from the Financial Crimes Commission ('FCC') averred that the applicant was arrested on the 09th of June 2026 and the present provisional charge was lodged on the 10th of June 2026 following an investigation on the 05th of August 2025 whereby the dwellings of several persons were searched amongst others and one of them were Mr Steven Moothoocurpen and the applicant.
5. According to the EO several electronic equipments and money were secured at the residence of the applicant as well as 1.4 million rupees in cash, 400,000 rupees



was found on the table and 1 million rupees was concealed in a Kentucky bag in the basement of his house.

6. The EO averred that the electronic devices have been analysed and several deleted photos and messages from the phone of Mr Moothoocurpen were retrieved which relates to a scheme of drug importation whereby Mr Moothoocurpen was communicating with one "swissroll" a nickname of a Mauritian national. The EO explained that swissroll was sending photos of consignments and drugs to Mr Moothoocurpen and the analysis revealed that the said photos were forwarded by Mr Moothoocurpen to the applicant. The applicant a former ADSU officer, having worked with the team of Inspector Luckmun of ADSU St Pierre.
7. The EO explained that thereafter, Inspector Luckmun was found proceeding to PATS at Customs and securing relevant consignments. The EO affirmed that there were 7 consignments and the Customs already seized three of them while the other four were secured by the team for Inspector Luckmun.
8. The EO claimed that the total value of the drugs is around 500 million rupees but the team of Mr Luckmun was securing the exhibits at PATS without following the established procedures and thereafter only part of the drugs was declared and it is suspected that the remaining were handed to Mr Moothoocurpen. The EO confirmed that both Mr Moothoocurpen and Mr Luckmun were arrested and are on remand for the offence of drug importation and conspiracy.
9. It is the contention of the EO that there is reasonable suspicion that the applicant was communicating all information with respect to consignments to Inspector Luckmun.
10. The EO substantiated the grounds of objection as follows:

Ground 1- Risk of interfering with witnesses

- 10.1 According to the EO, there are around 10 officers in the team of Inspector Luckmun and all of them are known to the applicant as they have worked together. The EO stated that they are in the process of recording statements from these officers who share a common group on WhatsApp with the applicant, where they often communicate. The EO is of the view that if released on bail, the



applicant will definitely interfere with the witnesses and inform them of all digital evidence that has been put to him up to now.

10.2 The EO added that the applicant acted as an intermediary between Mr Moothoocurpen and Inspector Luckmun as the investigation revealed that he knew Mr Moothoocurpen since around 2022 when he was still posted at ADSU

10.3 The EO further explained that the team of ADSU St Pierre was under the command of Inspector Luckmun and as at date around 18 witnesses have been called to give statements at the FCC out of which 9 or 10 are police officers excluding Mr Luckmun. The EO also claimed they have investigated all officers with respect to the 7th consignment which reached Mauritius but they have not yet completed with their statements and they are currently investigating a new limb as three weeks ago, they received information that there was another consignment which the team of Mr Luckmun had secured using the same modus and therefore with this new investigation they may have new witnesses.

Ground 2- Risk of absconding

10.4 The evidence put to the applicant with respect to the present case shows a prima facie case and the applicant has been a police officer therefore he knows the heavy penalty attached to such offence. The EO believes that the risk of absconding is higher the more so the applicant is a shareholder in a company which owns boats and deal in tourist activities. The EO is of the view that although the two boats have been secured by the FC, it is suspected that the applicant may own other boats on the name of some *prete nom*, Moreover, given the nature of his business the applicant knows several skippers who may assist him to leave the jurisdiction. The investigation also revealed that he is a usual traveler to Reunion Island and also followed a course of pilot. During the investigation, the mobile phone of Mr Moothoocurpen revealed a sim card from Reunion Island registered on his mobile under the name of the applicant.

11. The EO believes that no conditions may be imposed on the applicant to reduce those risks and the likelihood that the applicant will abscond is present.

12. When questioned about the status of the enquiry, the EO confirmed that they are



applying for disclosure of itemised bills and there is a new limb that they are investigating and are therefore trying to trace other parties in China or South Africa.

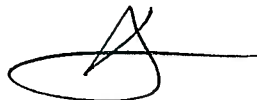
13. With respect to the nature of evidence the EO affirmed that there is strong digital evidence against all suspects including the applicant and it is a case with international ramnification.
14. The EO further adduced a memo to certify that the applicant is on bail for a money laundering offence.¹
15. The EO was duly cross examined during which the following salient features may be borne out:
 - (i) With respect to the offence on 18th of August 2025, the FCC withdrew objections for the applicant to be released on bail;
 - (ii) with regards to the sum of 1.4 million rupees a number of statements have already been taken from the applicant and the FCC is investigating the source of funds which the applicant provided in his statements;
 - (iii) the 500 million rupees of drugs is the approximate amount which the MRA has evaluated and only those secured by Inspector Luckmun have been sent to FSL whereas the remaining parts which were not received were not sent;
 - (iv) when questioned on what evidence the FCC has as to the fact that the applicant is charged for causing Mr Luckmun to retrieve an imported consignment, suspected to contain dangerous drugs, the EO replied that they have digital evidence from the mobile phone of Mr Moothoocurpen which has already been put to the applicant and there is further digital evidence which will be put to the applicant after putting same to some suspects;
 - (v) the EO denied that they are on fishing expedition;
 - (vi) around 18 people have been interviewed in the present matter;
 - (vii) the version of one suspect who stated that it was his information which led to the consignment having been seized , has to be counter verified and when same has been done his version will be put to the applicant and to Mr Luckmun in due course;
 - (viii) the EO maintained they have prima facie evidence and all evidence will be

¹ Doc PFU



put to the applicant in due course and he will be given the opportunity to reply;

- (ix) the EO stated that he cannot disclose other evidence at this stage;
- (x) the messages forwarded from the phone of Mr Moothoocurpen to the phone of the applicant were sent through a service app, namely Botim;
- (xi) they have a report which the EO claims he cannot disclose at this stage as it has not been put to the applicant yet;
- (xii) the applicant's phone was seized in 2025 and same was returned to him as it was not the one used in 2024;
- (xiii) the phone seized in 2025 has been analysed already;
- (xiv) the EO did not answer to whether any incriminating evidence was found on the phone of the applicant;
- (xv) there was no app of Botim on the mobile phone of the applicant which he used in 2025;
- (xvi) when Mr Moothoocurpen was arrested, the applicant was free and on bail up until 2 months after the arrest of the co-accused he did not interfere with the enquiry;
- (xvii) the EO explained that when Mr Moothoocurpen and Mr Luckmun were arrested, they have been in police custody and the applicant did not have access to them therefore he did not know what evidence there was against him so he could not have interfered but now that part of the evidence has been put to him, he will know where he is and he will definitely interfere;
- (xviii) the EO maintained that when the above suspects were arrested it was not publicised;
- (xix) there is no evidence that the applicant interfered with any witnesses between his first arrest and second arrest but now there is reason for the applicant to interfere;
- (xx) all his colleagues are police officers and they have a WhatsApp and if the applicant is released on bail he will contact them, therefore it is not an apprehension but there is no evidence that he will do so;
- (xxi) there is no evidence for the risk of absconding but the applicant knows skippers and deals with them and if released he will try to abscond;
- (xxii) the applicant has a fixed place of abode, he is married and is in full time employment in his own company;
- (xxiii) the applicant has a 6 year old daughter and has his mother who does not live with her;



- (xxiv) the EO claims that it is only the applicant who is on judicial control but his wife and child are not and if released, he may abscond and his wife and child will follow but there is no specific evidence with regards to same;
- (xxv) the applicant was a police officer at ADSU for 10 years and during his tenure at ADSU, he received commendations for his work on two occasions and received a number of prizes for his work;
16. The applicant under oath described his personal circumstances and family life. The applicant explained that he has a daughter and has his mother and sister under his responsibility. The applicant stated that all his businesses are in Mauritius.
17. The applicant averred it is through the media that he learnt that 3 persons were arrested but at no point in time he tried to interfere with any witnesses and that he knows only one skipper.
18. The applicant further stated that he went to Reunion Island as he received a commendation from ADSU in 2022 and 2024 as a result of which he was sent by the Commissioner of Police for a course with Gendarmerie La Reunion. The applicant stated that he has been in the police force for 14 years and never had any issues with his work and even received "Best Detective" in ADSU in 2023.
19. With regards to the grounds of objection, the applicant expressed that he will abide by all bail conditions and that he did not receive any messages from Mr Moothoocurpen on Botim the more so that his phones and laptop were seized and returned to him as nothing incriminating was found. The applicant confirmed that he has a clean record and between his two arrests he never had any problems with any institutions.
20. With respect to the boats, the applicant confirmed he has a speed boat and a pirogue for the company but same are in possession of the FCC.
21. The applicant was duly cross examined during which he stated that he will be available to answer to any evidence if need be and that he will not contact his colleagues.

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22. I have duly considered the present application, the objections thereto coupled with the submissions on behalf of both parties, hereby the present ruling.

23. I have taken into account the constitutional right to liberty of the applicant as enshrined in section 5(3) of the Constitution and section 4(1) of the Bail Act which provides that the aim behind the conditional release of an offender is to ensure that a suspect (a) appears for his trial in the event that he is eventually prosecuted; (b) does not harm the society whilst being at large if he or she is the author of the alleged offence; and (c) does not in any way interfere with the course of justice. The object of bail is neither punitive nor preventive.

24. I have also taken note of the rationale of bail law which has been established throughout authoritative case law, to the effect that the "[...] rationale of the law of bail at pre-trial stage is accordingly, that a person should normally be released on bail if the imposition of the conditions reduces the risks... to such an extent that they become negligible having regard to the weight with which the presumption of innocence should carry in the balance".²

25. Accordingly, a balancing exercise has to be made, by considering all the evidence on record, between (a) the need to safeguard the necessary freedom of liberty of a suspect when viewed in the context of the presumption of innocence, thus favouring the release of the applicant on bail; and (b) on the other hand the need to ensure that the society as well as the administration of justice are necessarily protected against serious risks which may materialise if the detainee is the alleged offender, therefore favouring the refusal of bail.

26. It is apposite to note that the principles underlying the provisions of the Bail Act 1999 and the Constitution bear similar provisions to the following international, regional and comparative law instruments that are not legally binding on Mauritius, notably the Eighth Amendment of the Constitution of the United States of America, article 5(3) of the European Convention on Human Rights and article 7(5) of the American Convention on Human Rights which all guarantee the presumption of innocence.

² Maloupe v the DM of Grand Port ipo DPP [2000 SCJ 223, MR 264]



27. Therefore, similarly, the provisions of the Bail Act can be described as being a procedural right which “entrenches the effect of the presumption of innocence at the pre-trial stage of the criminal trial process and safeguards the liberty of accused persons”.³

28. Now, bearing in mind that under our Constitution, “[...] liberty is the rule and detention is the exception”,⁴ I shall assess the evidence of the EO pertaining to each ground to determine whether the imposition of conditions can reduce the risks to a minimum level.

29. However, first and foremost, it is important to note that with respect to the nature of evidence as lengthily described by the EO this Court finds that there is no direct and concrete evidence against the applicant which I find as being reasonable ground for the continued detention of the applicant. The EO has expatiated the circumstances which have led to the suspicion that the applicant conspired with the two suspects and which constitute strong and direct evidence against the applicant as follows:

- (i) there are witness statements which have been recorded but they are investigating a new limb and there will be witnesses to be interviewed;
- (ii) not all statements of the witnesses have been recorded;
- (iii) there is digital evidence which has been put to the applicant and there is further digital evidence which will be put to the applicant in due course;
- (iv) the applicant has two boats which are in possession of the FCC;
- (v) nothing incriminating was found on the mobile phone of the applicant as same was not used in 2024 but no evidence with regards to the phone used in 2024 by the applicant has been mentioned;
- (vi) the mobile phones of the initial suspect, Mr Moothoocurpen were examined and messages found forwarded to the applicant on Botim were found and there is a report but same cannot be disclosed as it has not been put yet to the applicant;

³ R v Antic [2017] 1 S.C.R. 509 at paragraph 1; R v Hall [2002] 3 S.C.R. 309 at paragraph 13; R v Oland [2017] 1 S.C.R. 250 at paragraph 34

⁴ Chrisna Ramgati v The Honourable Ag District Magistrate of the Bail and Remand Court & anor [2022 SCJ 373]



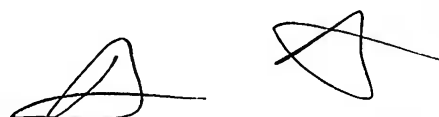
- (vii) the examination of the EO who claimed that part of evidence has been put tot the applicant and part of the evidence especially digital evidence will be put to the applicant in due course but no mention of any specific time frame was made;
 - (viii) the EO noticed that there was a fictitious name but no evidence linking same to the applicant was mentioned; and
 - (ix) the report with regards to the digital evidence has been mentioned but no more details have been provided as to the whether the report is incriminating pertaining to the applicant;
30. Accordingly, I note that the EO has relied on the digital evidence but has in the same vein confirmed that only part of the digital evidence has been put to the applicant and there is further digital evidence which will be put to the applicant and other suspects "in due course" without any mention of an approximate timeframe to same.
31. True it is that the aforementioned evidence does satisfy the legal test for reasonable grounds for suspicion which a police officer must satisfy before they can stop and detain an individual⁵, however, I am of the opinion that they do not amount to concrete and direct evidence that will justify the continued detention of the applicant in the present matter.
32. Having said so, I shall now address the risk of interfering with witnesses.
33. I shall refer to the following extract which I find pertinent namely in Deelchand v Director of Public Prosecutions & Ors⁶ which provides that where there is a risk of interference with witnesses, namely:

" (a) the defendant has allegedly threatened the witnesses;

(b) the defendant has allegedly made admissions that he intends to do so;

⁵ Note 402, Halsbury's Laws of England/Police and Investigatory Powers (Volume 84 (2019), paras 1–394; Volume 84A (2019), paras 395–831)/8. Arrest, Detention, Entry, Search and Seizure/(2) Stop and Search/402. Reasonable grounds for suspicion.

⁶ [2005 SCJ 215] where reference was made to Neil Corre in his extract from the book " Bail In Criminal Proceedings" [1990]



- (c) *the witnesses have a close relationship with the defendant, for example in cases of domestic violence or incest;*
- (d) *the witnesses are especially vulnerable, for example where they live near the defendant or are children or elderly people;*
- (e) *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;*
- (f) *it is believed the defendant will intimidate or bribe jurors;*
- (g) *other suspects are still at large and may be warned by the defendant"*

34. In the present case, it has been made clear by the EO, that Mr Moothoocurpen and Mr Luckmun have been arrested to date and have been remanded jail. Their identities are known to the enquiring officers. There is no evidence that between the first arrest of the applicant and the second arrest of the applicant that he has interfered with any of those suspects who were arrested before him or with any witnesses involved in the investigation.
35. The fact that the applicant is known with his other colleagues who worked in the team of the suspect Mr Luckmun and will get in contact with them if released on bail, is not sufficient to substantiate this ground of objection. Moreover, it is speculation as to a future act with no evidence that same will occur and there is no evidence that the applicant has been in contact with any of the said colleagues even when the suspect Mr Luckmun was arrested, 2 months prior to his arrest.
36. There is no mention of whether any witnesses have complained of whether the applicant has tried to get in contact with them and I view with concern the reply of the EO to the effect that their statements have not been completed yet and there are other evidence to be put to them in due course as the risk of interference with witnesses is one of the grounds of objection and the applicant is provisionally charged with conspiracy. Therefore, it is a vital element of the enquiry which ought to have been dealt with before the present bail hearing.



37. As matters stand, there is no evidence which shows that the applicant has been in contact with any of the witnesses identified by the FCC, including the officers of the ADSU who allegedly worked in the team of Mr Luckmun. There is no evidence of any vulnerable witnesses or any close relationship between the applicant and any of the witnesses. The EO has not enlightened the Court on any evidence on which he relies to believe that the applicant knows the location of any inculpatory documentary evidence which he may destroy, or has hidden any evidence or property or the proceeds of any crime.
38. I also take note of the principle that provides that “[...] *It would be preposterous to hold the view that in each and every application for bail it would suffice that an enquiry 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.*”⁷ (emphasis added).
39. Therefore, although the EO stated that the present matter is of international ramification and mentioned parties in China or South Africa but no evidence has been confirmed to show whether there are suspects at large who may be warned by the applicant. I am of the view that as matters stand, there are no suspects at large who may be warned by the applicant.
40. In view of the fact that none of the above situation arises as listed in the case of Deelchand (supra), I find that the reasons advanced by the EO to substantiate the risk of interfering with witnesses, are not satisfactory and no appropriate evidence in connection thereof has been provided to establish the probability of interference with any witness by the applicant.
41. I believe, that the risk of interfering with witnesses is not plausible and same may be minimized by the imposition of specific bail conditions that will prevent the applicant from being in contact with any witnesses pending the outcome of the present matter.

⁷ Deelchand v DPP, n5



42. In assessing the risk of absconding, other factors are relevant including the weakness or absence of family, community, professional or occupational ties and financial commitments⁸. I have taken note that the applicant has a clean record, has never been subject of any disciplinary matters during his career. In fact, it is common ground that the applicant has never failed in any of his duties and during his career has even received commendations to go to Reunion Island by the then Commissioner of Police. Moreover, it is apposite to note that the applicant was arrested and subsequently been released on bail in 2025 for a case of money laundering but there was no attempt by him to abscond even when the suspects Mr Moothoocurpen and Mr Luckmun were arrested before him. The fact that he is a person of means and that his wife and child are not under judicial control and will follow him if he absconds have no bearing on this present matter. I further view with concern the statement of the EO concerning the fact that the wife and 6 year old child of the applicant are not being under judicial control as one cannot expect a 6 year old child to be under judicial control in the present matter. Having said so, I am of the view that the issue of being in breach of any bail conditions does not arise in the present matter.

43. The evidence shows that the applicant has a fixed place of abode, has strong family ties as confirmed by the EO and the applicant under oath. It is not disputed that the applicant is the bread earner of the family and that he has his business. The evidence of both the EO and the applicant under oath confirms that the applicant has travelled to Reunion Island and the applicant explained under oath the reason underlying same which was not challenged by the prosecution. There is no evidence of any dual passport by either the applicant or any members of the family.

44. There is evidence that the applicant owns two boats but same are in possession of the FCC. There is no evidence of whether the applicant has any skipper licence and even though there is evidence that he knows a skipper which indeed may favour his escape by sea the Court is of the opinion that conditions may be imposed to minimise this risk such that it is rendered negligible. There is no evidence that the applicant is in possession of any pilot licence.

45. The present provisional charge is for conspiracy which carries a sentence of "[...]"

⁸ ibid

penal servitude for a term not exceeding 10 years and to a fine not exceeding 100,000 rupees” pursuant to section 109(1) of the Criminal Code (Supplementary) Act.

46. The evidence from the EO to further substantiate the ground of objection is to the effect that, if released on bail, the FCC strongly believes that the applicant will abscond in view of the heavy penalty. However, there is no evidence that applicant has resisted his arrest or tried to escape custody and it is not disputed that he has cooperated with the authorities concerned.
47. Having said so, I am of view that there is no evidence which particularly indicates that there is a serious risk of absconding which cannot be rendered negligible by the imposition of conditions.
48. Having considered all the evidence on record and the principles underlying the rationale of bail, I have carried out the required balancing exercise. The prosecution has submitted that there are no conditions that can sufficiently neutralise risks of interfering with witnesses and absconding, but the prosecution is also aware that the present matter is still at pre-trial stage and there is no certainty as to when a main charge will be lodged. The question however remains as to whether this Court, on the basis of all the assessment made starting from the nature of the evidence, the stage at which the enquiry has reached up to the evidence with regards to the grounds of objection, will maintain the detention of the applicant merely because of the seriousness of the offence , the fact that digital evidence will be put to the applicant in due course with no specific time frame as to when and the fact that the bail conditions cannot curtail the risks averred by the EO? The answer is in the negative as the risks will always be present and the applicant cannot remain in continued detention waiting for all the digital evidence to be put to him. In addition, the prosecution has failed to give reasons to enlighten the Court precisely as to why and in what manner those risks cannot be minimised by any bail conditions.
49. All of the aforesaid factors must be gauged against the applicant’s constitutional right to personal liberty⁹ inasmuch as “[...] liberty is the rule, and detention is the

⁹ Seewoochurn K M v The Commissioner of Police & Ors (2019 SCJ 189)



exception”¹⁰

50. It has been made clear in several authorities from the Supreme Court that the seriousness of the offence cannot by itself be a ground of refusing bail¹¹ and the pronouncements were upheld by the Judicial Committee of the Privy Council¹² which held that due consideration has to be given to the right of liberty and the presumption of innocence, as enshrined in our Constitution which substantially follows the European Convention of Human Rights.

51. This being said, considering:

- (a) the facts of the case at hand;
- (b) the reasons put forward by the prosecution which do not support the grounds of objection denying bail to the applicant;
- (c) the presumption of innocence in favour of the applicant and the constitutional right to liberty of the applicant;

and in light of all of the above assessment, I believe that the risks under the grounds of objection can be reduced by the imposition of conditions such that they become negligible. In the circumstances, I order the applicant to be released on bail provided that:

- (a) The applicant provides two sureties in the amount of Rs 200,000 to be to be furnished by cheque;
- (b) The applicant enters into a recognisance in the amount of Rs 1.5 million in his own name;
- (c) The applicant shall reside at a fixed and permanent place of residence indicated by him, the address of which he shall communicate to the police. The applicant shall not move to another place of abode without the prior consent of the Court;

¹⁰ Crishna Ramgati, n3

¹¹ Labonne v DPP & Ors [2005 SCJ 38]; Deelchand v DPP and ors [2005 SCJ 215]

¹² Hurnam v The State [2004 PRV 4]



- (d) The applicant shall report to the nearest police station, once daily between 06.30 hours and 20.00 hours;
- (e) The applicant shall inform the police of his daily movements each time he reports at the police;
- (f) The applicant shall:
 - (i) be permanently equipped with a mobile phone and a landline phone, the numbers of which he shall communicate in advance to one or more enquiring officers designated for that purpose;
 - (ii) ensure that the mobile phone as well as the landline phone are in good working condition and open for communication at all times;
 - (iii) ensure that the mobile and landline numbers are solely and exclusively for the present monitoring purposes to enable any enquiring officers at any time to ascertain his movements and location and if necessary to direct him to be in attendance at any indicated spot.
- (g) The applicant shall remain inside his residential place between 21.00hours and 05.00hours;
- (h) The applicant should not in any circumstance be found at any time at any place which is 200m from the sea coast in any part of the island of Mauritius;
- (i) The applicant shall remit his passport to the Passport and Immigration Office and should the applicant be in possession of any skipper licence and/or pilot licence, he shall remit same to the prosecuting authorities; and
- (j) The applicant shall endeavour not to be in communication with any suspects and/or potential suspects, witnesses and/or any potential witnesses, and/or any person other than the authorities in connection with the present case, either in person or by means of any technology such as phone, email, WhatsApp, messenger, Facebook, twitter or any other social media platform and/or app and/or service.

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[Delivered by: Bibi Azna BHOLAH (Ms), District Magistrate]

[Delivered on: 17 July 2026]

