

**SUPREME COURT OF SEYCHELLES**

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**Reportable**  
[2026] SCSC  
CR 39/2025

In the matter between:

**THE REPUBLIC**  
*(rep. by Mrs K Doffay)*

**Republic**

and

**STEPHEN MONDON**  
*(rep. by J Revera)*

**Accused**

**MICHEAL MONDON**  
*(rep. by F Bonte)*

**Accused**

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**Neutral Citation:** *R v Mondon & Anor* (CR 39/2025) [2026] SCSC ( January 2026)  
**Before:** Govinden CJ  
**Summary:** Bail Application  
**Heard:**  
**Delivered:**

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**RULING**

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**GOVINDEN CJ**

[1] This is an application made by the 1<sup>st</sup> accused for his release on bail on reasonable conditions in accordance with section 179 of the Criminal Procedure Code as read with Article 18(7) of the Constitution. His application is supported by his own affidavit, in which he depones that the disclosure of the prosecution reveals weaknesses in its case, and also contradicts averments in the affidavit of the prosecution's deponent. He also denies any averments that he orchestrated a riot at the prison as averred by the prosecution's representative and emphasises what he argued to be the lack of credibility of his ex-wife, a principal witness in the prosecution case. He also averred that the charge in this case was

brought following the end of his custody in another case, which he submits shows improper motives.

- [2] The Republic vehemently objects to this application by way of a reply supported by the affidavit of the Investigating Officer. In its reply the Republic avers that the 1<sup>st</sup> accused has not averred any change in circumstances, which is necessary in order for this Court to vary its previous order remanding the applicant in custody. The Republic in that respect avers that the 1<sup>st</sup> accused's capacity to abscond and or to interfere with the witnesses and the prosecution's case has been established by the Republic, in a matter in which the 1<sup>st</sup> accused has been charged with very serious offences.
- [3] In his submissions before the Court, Mr. Revera, learned counsel for the 1<sup>st</sup> accused, argued that the prosecution's remand application, led by Inspector Eullentin, is not aimed at achieving justice but rather at unjustly keeping the 1<sup>st</sup> accused in custody. He pointed out that the alleged connection between the 1<sup>st</sup> accused and a riot during his transportation from prison is speculative and unsupported by facts. Mr. Revera referenced a previous acquittal case involving the 1<sup>st</sup> accused and emphasized that he has not posed a flight risk during his eight years of incarceration.
- [4] Furthermore, Mr. Revera criticized the prosecution's reliance on testimonies from the 1<sup>st</sup> accused's ex-wife and other individuals, arguing that these sources are not credible and may self-incriminate. He also challenged the validity of video evidence and text messages presented by the prosecution, claiming they are inadequate to warrant continued detention. It was submitted that the marital privilege, as detailed in sections 132 and 134 of the Criminal Procedure Code, remains applicable even after a marriage has ended, particularly in divorce cases, to prevent a former partner from providing revenge-driven testimony.
- [5] Mr. Revera noted inconsistencies in the prosecution's affidavits and argued that the charges against the 1<sup>st</sup> accused were postponed until after his release from a different case, despite the prosecution having had sufficient time to act earlier. He requested that if bail is granted, it should come with strict conditions rather than cash bail, as the 1<sup>st</sup> accused is unable to pay. Mr. Revera concluded that the case should be considered frivolous and that the 1<sup>st</sup> accused deserves to be released, emphasizing the infringement on his right to liberty.

- [6] The Learned counsel for the Republic, on the other hand, submitted that the 1<sup>st</sup> accused cannot now object to the remand order because no objection was raised to the initial section 179 Application on September 8, 2025, which established a prima facie case for remand. For the court's remand order to be revisited, the applicant must demonstrate a significant change in the original grounds that warranted the order, not merely any alteration. It was submitted that detailed evidence, such as statements or video footage, should not be considered at the bail stage as it could prejudice the court and is reserved for the trial phase, according to the *Republic vs Alvin Kilindo* case.
- [7] With regards to the argument of prescription, it was submitted that there is no specific time limit for bringing a criminal matter to court once the police have completed their investigation; the five-year investigation in this case was justified due to it involving a missing person.
- [8] She further submitted that the 1<sup>st</sup> accused faces two serious charges, money laundering and trafficking in persons, which are considered significant both individually and together, contrasting with the second accused's single charge of aiding and abetting.
- [9] With regards to the alleged inconsistency in the prosecution case, as alleged by counsel for the 1<sup>st</sup> accused, the Republic responded that the statements and other documents attached by the 1<sup>st</sup> accused are deemed insufficient to disprove the facts presented in Sergeant Eullentin's affidavit regarding the investigation and completion of the case.
- [10] The claim of marital privilege regarding a key witness is countered by stating that the individuals are no longer married, and there are other crucial witnesses available besides the ex-wife.
- [11] Counsel for the Republic summed up her submissions by stating that no "real change of circumstances" has been presented by the Applicant to justify overturning the existing court order.
- [12] The Court has thoroughly considered the submissions made before it, in light of the averments in the application and the reply. Having done so, it is very apparent that the issues for determination can be summed up as follows.

- [13] Firstly, whether the prosecution has established that there is a serious case against the accused on a prima facie basis, which is a requirement for pre-trial detentions under Article 18 (7) of the Constitution. Secondly, whether the applicant has pleaded or has shown a change of circumstances, since the order of detention of the applicant was made.
- [14] After careful consideration of the issues in controversy, the Court has come to the following findings. Firstly, the 1<sup>st</sup> accused appears to be attacking the strength and veracity of the Republic's case merely on the materials disclosed by the prosecution. In the Court's view, this is clearly not enough for the 1<sup>st</sup> accused to be able to disprove a prima facie case. At this stage of the proceedings, the Court cannot embark upon an evidential investigation by testing the evidence that the prosecution would presumably lead during the trial as to do so would clearly be prejudging the issues that has to be judged either on a no-case to answer plea or at the stage of final determination of the case. Accordingly, this Court would refrain from undertaking any assessment of the evidence, especially given that they have not been tested by cross-examination. The Court's determination would have been totally different had a vital witnesses of the prosecution denied their testimonies, which is far from the case here. Accordingly, the Court remains satisfied that the Republic has established a prima facie case against the 1<sup>st</sup> accused.
- [15] As to the argument of whether the 1<sup>st</sup> accused has pleaded or established a change of circumstances, the Court finds that this is a very pedantic and restrictive approach adopted by the prosecution. There is no strict necessity for an applicant to plead a change of circumstances in its application, as this is a pleading rule reserves for civil cases. At any rate, it is also equally true that an accused may raise objections at any time, at least every 14 days that he is brought to court in an attempt to show that the original conditions justifying his incarceration have changed and this was the right exercised by the applicant here.
- [16] As to the issue of spousal privilege and how it would impact the admissibility of evidence in this case, again, I am of the opinion that this is a trial matter, which has to be raised during the course of trial proceedings and not at this stage.
- [17] For these reasons, the application is dismissed.

Signed, dated and delivered at Ile du Port on the 25<sup>th</sup> day of January 2026.



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Govinden CJ