**BAIL RULES-FORM 1-BAIL APPLICATION**

PAPUA NEW GUINEA

IN THE NATIONAL COURT OF JUSTICE

AT: …………………………………………

BA NO ……. OF 20……

BAIL APPLICATION BY:

**APPLICANT’S DETAILS:**

My name is

Do you have any other names?

No

Yes: (insert other names)

I am male/female/…

My age is ……………. years/ I do not know my age

My date of birth is ….../……/…… (if you do not know, make an estimate)

I am from ………………….. (village/town)

 …………………… (district)

 …………………… (province)

I am a PNG citizen/a citizen of (name country)

I live at

……………………………………..……….., where I have resided since

(*state date or year*); before that I lived at ………………..……………… (*state where you have lived over the last five years*).

My occupation is: villager/unemployed/employed:

……………………………………….. (*state details*)

My religion is:

 (*state name of church or other place of worship you attend, if any; if you have no religion, state “none”*)

**WHERE ARE YOU DETAINED?**

I am detained in custody at ………………………………… (*state name of correctional institution or police lock-up*)

I have been detained there since ………………. (*insert date*)

Are you filing this bail application at the Registry of the National Court nearest to your place of detention?

Yes.

No (state reasons for filing the application in this Registry): ………………………………….

…………………………………………………………………………………………………..

**WHAT ARE YOU CHARGED WITH?**

I am charged with:

under s … of the *Criminal Code*/*Firearms Act*/*Summary Offences Act*/some other law; (*state the charges*) OR

I have not yet been charged

I have already been convicted of ….

**WHAT STAGE IS YOUR CASE AT?**

Tick the box that describes your situation:

* I have not yet been taken before a court;
* I have appeared in the District Court for mention;
* My trial has been set down for trial in the District Court on (state the trial date);
* I have been convicted by the District Court and I am awaiting sentence/ have been sentenced to ……. months/years’ imprisonment and I have filed/intend to file an appeal in the National Court;
* I am still in the committal process in the District Court and no decision has yet been made;
* I was committed for trial in the National Court on ………….... (state date) and my file reference is CR No … of 20..;
* I have been convicted by the National Court and I am awaiting sentence;
* I have been convicted by the District/National Court and I have lodged an appeal against conviction and/or sentence in the National Court/Supreme Court;
* I do not know;
* None of the above. Describe your case and what stage it is at:

**WHY SHOULD YOU GET BAIL?**

Tick any of the boxes that apply to you:

* I am sick or injured. Describe your condition (*attach medical certificate or report if available*):

* I am being detained in bad conditions (give details)

* I am a juvenile and I am being detained with adult detainees
* I am a female and I am being detained with male detainees
* I am a remandee and I am being detained with convicted prisoners
* I have been convicted but I am being detained in a police lock-up (*give details*)

* I have been threatened/assaulted while in custody (*give details*):

* I need to report to my employer (give details)

* State any other special reason you should be granted bail:

Note: if you are charged with wilful murder or treason, or if you have been convicted of an offence and are applying for bail pending sentence or appeal to a higher court, you must show exceptional circumstances warranting the granting of bail. *State any exceptional circumstances here*:

**PROPOSED BAIL CONDITIONS**

What amount of cash bail do you propose? K

If you are granted bail, where would you reside? (*give details of physical address*)

**HAVE YOU PREVIOUSLY HAD A BAIL APPLICATION REFUSED, IN CONNEXION WITH THIS CASE OR IN ANY OTHER CASE?**

* No.
* Yes: give full details of date of refusal and the court that refused you bail and why bail was refused AND you must annex a copy of the certificate of refusal:

Have your circumstances changed since bail was refused?

* No.
* Yes: state here how your circumstances have changed:

**DO YOU HAVE A LAWYER OR ANYONE ELSE HELPING YOU MAKE THIS BAIL APPLICATION?** (*Tick the box*)

* No.
* Yes, I have a **lawyer:**  state lawyer’s name, physical address, contact details (phone number and/or email address:

* Yes, I have a **friend/relative:**  state friend/relative’s name, physical address, contact details (phone number and/or email address:

**DO YOU WANT TO SAY ANYTHING ELSE IN SUPPORT OF YOUR BAIL APPLICATION?**

* No.
* Yes. *If yes, make statement here and/or attach a separate statement or affidavit*:

**DECLARATION BY APPLICANT:**

 I, ……………………………………………………………, declare that:

* Everything stated in this application is true and correct.
* I know that if I make any false or misleading statement I can be charged with contempt of court and if convicted of such a charge, I can be fined and/or imprisoned.
* If I am granted bail I promise to comply with all my bail conditions.
* I know that if I go missing or do not comply with any bail conditions I can be arrested and put back in custody and my cash bail will be forfeited and my guarantors will have to pay extra money to the State.

Declared by ………………………………. (*state name of applicant*) at ………………… (*state place of making declaration*) on the …… day of ……………… 20…

………………………………….

SIGNATURE/MARK OF APPLICANT

**DECLARATION BY GUARANTOR NO 1:**

Name

Address

Occupation:

Phone number:

Email:

Relationship to applicant:

Why do you think the applicant should be granted bail?

I declare that:

* I have known the applicant for ………………….. years
* If the applicant is granted bail, I will make sure the applicant complies with all conditions of bail.
* I know that if I make any false or misleading statement I can be charged with contempt of court and if convicted of such a charge, fined and/or imprisoned.
* I know if the applicant goes missing or does not comply with any bail conditions the cash bail will be forfeited and I will, if ordered to do so, have to pay extra money to the State.

 Declared at ………………… (state place of making declaration) on the … day of …. 20…

………………………………….

SIGNATURE/MARK OF GUARANTOR NO 1

**DECLARATION BY GUARANTOR NO 2:**

Name

Address

Occupation:

Phone number:

Email:

Relationship to applicant:

Why do you think the applicant should be granted bail?

I declare that:

* I have known the applicant for ………………….. years.
* If the applicant is granted bail, I will make sure the applicant complies with all conditions of bail.
* I know that if I make any false or misleading statement I can be charged with contempt of court and if convicted of such a charge, fined and/or imprisoned.
* I know if the applicant goes missing or does not comply with any bail conditions the cash bail will be forfeited and I will, if ordered to do so, have to pay extra money to the State.

Declared at ………………… (*State place of making declaration*) on the … day of …. 20…

………………………………….

SIGNATURE/MARK OF GUARANTOR NO 2

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