

Mohamad Denny Suharnny Bin Hj Amran

AND

Public Prosecutor

(High Court of Brunei Darussalam)
(Criminal Appeal No. 24 of 2025)

Muhammed Faisal Bin PDJLD Kol(B) Haji Kefli, J.C.

Date of Ruling: 17th December 2025.

Headnote: Criminal law — Bail — Revocation — Accused charged in separate case while on bail — Breach of bail conditions — Failure to remain contactable — Proper exercise of discretion — Appeal dismissed

DPP Abdul Musawwir Bin Hj Awg Mahli for the Public Prosecutor.
Appellant In Person.

RULING

Muhammed Faisal, J.C:

I Introduction

1. This is an appeal by the Appellant against the decision of the learned Magistrate made on 17 November 2025, whereby the Appellant's bail was revoked. The Appellant filed his Notice of Appeal on 18 November 2025. The Appellant appeared before this Court in person and unrepresented.
2. The appeal concerns the exercise of judicial discretion by the Magistrate's Court in revoking bail, and the question before this Court is whether that discretion was wrongly or erroneously exercised so as to justify appellate intervention.

II Background Facts

3. The Appellant was initially charged together with two other accused persons on 8 March 2025 under section 379 read with section 34 of the Penal Code, Cap. 22, arising from an alleged theft committed at a primary school in Kampong Labi. Following remand for investigations, the charge was finalised on 13 March 2025, and the Appellant entered a plea of not guilty.
4. Bail was granted to the Appellant subject to several conditions, including, inter alia:
 - that he must not commit any offence whilst on bail;
 - that he must inform the investigating officer of any changes to his address or contact details;
 - that he must report monthly to the police;

- and that he must remain contactable at all times by the Court and the police.
- 5. It is not disputed that the Appellant successfully raised bail and was released subject to these conditions.
- 6. On 21 October 2025, whilst still on bail for the present case, the Appellant was arrested by the Tutong Police and was subsequently charged on 23 October 2025 under section 379 of the Penal Code in a separate and distinct docket.
- 7. In light of this development, the Respondent requested a mention on 11 November 2025 with a view to revoking the Appellant's bail. The Appellant failed to attend this mention and was uncontactable, resulting in a Warrant of Arrest being issued.
- 8. The Appellant appeared in court on 17 November 2025, being the first day of the scheduled hearing. The Respondent applied for the Appellant's bail to be revoked. The learned Magistrate granted the application and revoked bail.

III The Application Before This Court

- 9. The present appeal challenges the Magistrate's decision to revoke bail. The Appellant's sole ground of appeal, as reflected in his submissions and oral explanation, is that he was unable to be contacted on 10 and 11 November 2025 due to circumstances beyond his control. In particular, he contends that his wife had failed to provide the police with his active telephone number or that he did not have access to the active line at the material time.

IV The Respondent's Submissions

- 10. The Respondent submits that the Appellant's appeal is fundamentally misconceived. It is argued that the issue of the Appellant being uncontactable was not the primary basis upon which bail was revoked, but merely an ancillary consideration.
- 11. The Respondent's principal submission is that the decisive and sufficient ground for revocation was the Appellant's arrest and subsequent charging in another case whilst on bail, which constituted a clear breach of a fundamental bail condition.
- 12. The Respondent further submits that even if the Appellant's explanation regarding his wife and his telephone number were accepted at face value, it would not assist him. The obligation to remain contactable and to keep the investigating officer informed of any changes in contact details rests personally and squarely upon the Appellant, and cannot be delegated to a third party.
- 13. It is also submitted that the Appellant had ample opportunity between 10 and 17 November 2025 to inform the police of his whereabouts or explain his absence, but failed to do so. His continued absence and inaction only underscored his non-compliance with bail conditions.
- 14. Finally, the Respondent submits that the learned Magistrate exercised her discretion properly and lawfully, and that there is no basis upon which this Court, sitting as an appellate court, should interfere with that discretion.

V My Consideration and Reasoning

15. It is settled law that the grant or revocation of bail is a matter of judicial discretion. An appellate court will not lightly interfere with such a decision unless it is shown that the discretion was exercised on a wrong principle, took into account irrelevant considerations, failed to consider relevant matters, or was plainly wrong.
16. Having considered the record, the submissions, and the Appellant's explanation, I am satisfied that no such error has been demonstrated in the present case.
17. The Appellant was subject to clear and unambiguous bail conditions. One of the most fundamental of these was that he must not commit any offence whilst on bail. The fact that the Appellant was arrested and charged in a separate docket for theft while on bail is undisputed. That fact alone constituted a serious breach which entitled the prosecution to seek revocation and entitled the Magistrate to revoke bail.
18. The Appellant's emphasis on his alleged inability to be contacted on 10 and 11 November 2025 does not address this central issue. As correctly submitted by the Respondent, the question of contactability arose only because the Appellant failed to attend the mention on 11 November 2025. Even if the Appellant had been contactable at all material times, the existence of the new charge would still have provided a sufficient and independent basis for revocation.
19. In any event, I agree with the Respondent that the obligation to remain contactable rests with the Appellant himself. Difficulties arising from his personal arrangements or reliance on others do not excuse non-compliance with bail conditions imposed by the court.
20. I am also satisfied that the learned Magistrate took into account relevant considerations, including the Appellant's breaches of bail conditions, and did not take into account any irrelevant matters. The decision to revoke bail was well within the range of reasonable responses open to the Magistrate in the circumstances.

VI Decision

21. For the reasons above, I find that the Appellant has failed to show any merit in this appeal. The learned Magistrate acted within her rights and discretion, and there is no basis for this Court to interfere with her decision.
22. Accordingly, the appeal is dismissed, and the decision of the Magistrate's Court dated 17 November 2025 revoking the Appellant's bail is affirmed.

MUHAMMED FAISAL BIN PDJLD KOL(B) HAJI KEFLI
Judicial Commissioner