

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
CRIMINAL LAW DIVISION
2024/CRI/bail/00156**

BETWEEN

ANCY KENOL aka ANCY KENTOL aka ANCY

Applicant

AND

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Before: **The Hon. Justice Neil Brathwaite**

Appearances: **Mr. Stanley Rolle for the Applicant**
 Ms. Tylah Murray for the Respondent

Hearing Date: **8th September A.D. 2025**

Ruling Date: **20th October A.D. 2025**

RULING ON BAIL

[1.] The Applicant seeks to be released on bail on charges of Armed Robbery (2 Counts), Kidnapping (2 Counts), Threats of Death (2 Counts), Burglary, and Aggravated Assault, for which he has been remanded in custody since May 2023. He states that he is twenty five years old, and was employed as a General Maintenance Worker prior to his incarceration. The Applicant avers that he is a community minded person with one son, who the Applicant claims has been suffering since the Applicant's remand, and strong ties to the community. He notes that he has been on bail before, and has complied with all conditions, and that conditions have proved sufficient to ensure the attendance of his co-accused, who have been released on bail.

[2.] In seeking to oppose the application, the Respondent filed the affidavit of Max Julien, Counsel in the Office of the Director of Public Prosecutions, to which is exhibited the affidavit of Karine McVean, Counsel in the Office of the Director of Public Prosecutions,

filed on 10th June 2024 and utilized in an earlier application for bail which was refused. To that affidavit are exhibited a number of reports, from which it can be intimated that the Crown alleges that the fingerprint of the Applicant was found on a drawer inside a bedroom of a home that was burgled and ransacked, and in which the occupants were held at gunpoint, robbed, tied up, and taken to an ATM to withdraw cash. Also exhibited is the Criminal record of the Applicant, which shows a total of seventeen convictions, of which six are for Stealing, six for Housebreaking, two for Causing Harm, one for Assault, and one for Possession of Dangerous Drugs.

[3.] On behalf of the Applicant it is submitted that, given the age of the previous convictions of the Applicant, the Applicant can now be considered a person of good character, and should be released on bail. Counsel notes that the Applicant has been in custody for fourteen months, and suggests that there is no real risk that the Applicant will interfere with witnesses or surrender for his trial, and that conditions can be put in place to mitigate any perceived risk.

[4.] In response, counsel for the Respondent suggests that there is cogent evidence on these serious charges for which the penalty is severe, raising the likelihood of absconding. Counsel further notes the antecedents of the Applicant, and submits that there is a real need to protect the public, as the Applicant has a propensity to commit similar offences. It was further noted that trial is now fixed to commence in May 2026, so that there has been no unreasonable delay, and that there has been no change of circumstances since an earlier application for bail was refused in August 2024. The Court was therefore urged to refuse bail.

[5.] In a written decision in the earlier bail application, having considered the relevant facts and law, I wrote the following:

“I am also extremely concerned that the Applicant has a number of antecedents, three of which involve violence and are some vintage, but thirteen of which are for housebreaking and stealing. I accept that all of the convictions are on the same date, but they still involve a course of conduct and, in my view, demonstrate a propensity to commit similar offences. The present charges include burglary, which is housebreaking during particular hours, and armed robbery, which is stealing with the use of a weapon. There is therefore an allegation that the Applicant has escalated in his conduct, which has the potential to pose an even greater danger to the public. In these circumstances, I am satisfied that there is a reasonable basis to conclude that the Applicant would re-offend if released on bail, and also that there is a serious concern for public safety, which is a primary factor in considering the grant of bail.”

CONCLUSION

[6.] In light of those views, and being satisfied that conditions would not suffice to ensure public safety and prevent re-offending, bail was refused. In the instant application, having considered the relevant factors, and having reviewed the earlier decision of 26th August 2024, I am unable to conclude that there has been any change of circumstances sufficient to cause the Court to resile from those conclusions. While I accept that subsequent applications can be made, there is in my view no basis to arrive at a different conclusion, as the facts and the law are the same. I therefore remain satisfied that the Applicant is not a fit and proper candidate to be admitted to bail. Bail is therefore denied.

Dated this 20th day of October A.D., 2025



Neil Brathwaite
Justice

