

**IN THE REGIONAL COURT FOR THE REGIONAL
DIVISION OF SOUTH GAUTENG HELD AT SPECIALISED
COMMERCIAL CRIME COURT**

CASE NO: SCCC50/2016

DATE: 2016-03-22

BAIL APPLICATION

THE STATE *versus* ELLAINE BOBROFF

BEFORE:

MR JJ VAN VUUREN

ON BEHALF OF THE STATE:

MS A CARSTENS

ON BEHALF OF THE DEFENCE:

MR DJ JOUBERT

INTERPRETER:

CHARGE:

(SEE CHARGE SHEET)

PLEA:

(SEE CHARGE SHEET)



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And what...what would that constitute? --- The bank account was opened by Mrs Bobroff, the accused in front of this court.

Is that the only proof you have for corroboration? --- And the monies that went into that bank account was transferred and used by her...the holder of that account, which is Mrs Bobroff.

But you cannot exclude that it may have been done without her knowledge? --- Well, Your Worship, I cannot say what Mrs Bobroff is going to say.

You see, Colonel, I have listened to your evidence carefully and it
10 appears, that you...it is common cause and you concede, Mrs Bobroff is not currently in possession of a valid passport. She informed you, that she...her passport got lost eight years ago and you corroborated that, or verified that? --- She informed me, I have not verified it as yet.

But you did, because you have checked the move...the human movement register at all the ports of this country and the last activity of that passport was in 2008 and that co...2006 and that corroborates her version, that the passport got lost? --- It just corroborates her version, that she...the last movement was in 2006.

She did not apply for a new passport? --- I cannot confirm or
20 deny.

You cannot confirm. Will you accept that? --- If it is coming from you, sir, I might accept it, yes.

Thank you, Colonel. Colonel and I have listened to you, it appears that you did not get a warrant for arrest for Mrs Bobroff, is that correct? --- That is correct, Your Worship.

You only, in accordance to your evidence, decided to arrest her for one purpose, to allegedly prevent her from leaving the country. Is that correct? --- That is one of the reasons, Your Worship.

But in all fairness, I assume, you look like a fair man, you will also concede, there was no indication at all and no corroboration of any arrangements which she took, or made, to leave this country, up to her arrest last night? Not so, Colonel? --- The witness that phoned me was concerned that she will leave the country, Your Worship.

No but...[intervened] --- And that was, seen in the light of what
10 happened, was also a true concern for me.

I appreciate the concern of the so-called witness. But you have no information at your disposal, that she made any arrangements at all, which you can verify, to leave the country? --- I could not confirm any arrangements and that is correct, Your Worship.

Her bags were not packed. She did not buy a flight ticket. She simply going about doing her daily business, to look after her grandkids? --- And looking after Mr Bobroff's affairs.

Who...just...let us just pause there for a moment. The...in the so-called civil claims that are pending, Colonel, are you familiar with it?
20 --- In part, Your Worship.

Is there...is she fingered, or sighted, as a respondent, or a defendant, in any of those civil claims? --- Not that I am aware of, Your Worship.

So the only respondent, defendants, in those civil claims are the firm Bobroff and Partners and perhaps Mr Bobroff senior, junior and his

released on bail? --- I...[intervened]

She will stand her trial if those conditions are in place to monitor her? --- Your Worship, I feel it is my duty to inform the court what the circumstances was, so that an infirmed decision can be made.

In other words, that...those arrangements will suffice that she will stand her trial, you concede that? --- If the court finds it...[intervened]

If the court agrees with that? --- Yes.

Thank you very much, Colonel. Colonel, this so-called informer, or witness you were referring to, can you tell the court perhaps, who he
10 or she is? --- I can tell the court, he will come and testify. It is Mr George Van Niekerk.

He is the attorney with ENS? --- That is correct, Your Worship.

So he is the attorney, Mr George Van Niekerk, employed at ENS, who can obviously know what to do and how to do it, but he acts for the complainant, I am infirmed, in the matter against the other accused persons for whom you obtained the warrants for and that is Discovery Limited? --- I do not know whether that is true. I have...I am not dealing with Discovery, Your Worship.

But they are the complainant? --- No, they are not my
20 complainants.

Can you just perhaps then explain to the court, how does an attorney play the role to be a witness? --- He became a witness when they got involved through their client, which is Mrs...Mr Graham.

Oh, who laid complaints with The Law Society? --- That is correct, Your Worship.