



Philip (centre) with his counsels Lau (left) and Yap after the proceeding at the High Court.

## High Court sets aside cash bail order imposed on cop charged with cheating

**SIBU:** The High Court here yesterday set aside an order by the Magistrates' Court in imposing a cash bail of RM10,000 for the release of a police sergeant pending his trial on two counts of cheating a senior citizen.

Judge Wong Siong Tung ruled that the magistrate had on May 7, 2024 erred in requiring the cash bail for the release of the accused, Philip Luney.

"There is no provision in the Criminal Procedure Code (CPC) that authorises the court to impose a cash bail.

"Section 403 of the CPC allows an accused, when bail with sureties is imposed by the court, to offer cash to be deposited in lieu of sureties if unable to find any.

"This cash deposit may be accepted or rejected by the court. It is the accused's option to offer the deposit of cash, not the court to impose cash bail in the first place," said Judge Wong.

He then released Philip on a bail bond of RM10,000 with two local sureties pending trial in the Magistrates' Court, and ordered the accused to report to the investigating officer on the

first day of each month until the disposal of the case.

Judge Wong also ordered that any cash paid by the accused in respect of the cash bail ordered by the Magistrates' Court to be refunded.

On May 7, Philip claimed trial to two charges of cheating a 68-year-old woman by dishonestly inducing her to deposit a total of RM5,000 into his bank account, in the belief that she could get back a sum of RM2,300 she had lost to an online scam.

The offences allegedly took place at a bank in Jalan Kampung Nyabor here between 9.29am and 9.31am on Oct 9, 2023.

The charges were framed under Section 420 of the Penal Code, which provides for imprisonment of between one and 10 years, and with caning and a fine, upon conviction.

After furnishing the RM10,000 cash bail imposed by the magistrate, Philip through his lawyers Yap Hoi Liong and Ben Lau filed a notice of motion requesting the High Court to issue a ruling or order regarding the legality of the cash bail imposed by the magistrate.