

99.4 Cases

R v Bahadly 2014 EWCA Crim 1206 D convicted of breaching a Non-Molestation Order. The order in respect of D's wife, V, was imposed and made the subject of a further order. It prohibited D from entering or going within 100m of her home address, communicating with her in person, by phone or letter, except through solicitors, to go within 100m of a school which his daughter attended and from encouraging anyone to do anything prohibited by the order. He breached the order by turning up when V was taking their daughter to school, stating that he wanted to talk to her and that he was attending a domestic violence course. He was within 10m of her home. Three days later, the same happened and D spoke to his daughter, asking her whether V had broken into D's home. That caused both V and their daughter distress. D was interviewed and after denying the incidents occurred, he was bailed. When V was staying with her parents, she heard a noise at the door. There were some flowers, a bag of toys and an anniversary card on the doorstep. The card said that D had realized what he had done, that he missed them both and that he would be more respectful in future. D was cautioned and said he had asked a friend to deliver the items so that V knew D was thinking of her. Subsequently, V discovered there had been a conversation between D and his friend who had been instructed by D to follow her and report back her movements. V was out with friends for a meal. It was brought to V's attention that D was also present. She said she wanted to leave but the group stayed as it was believed D had gone. V went to the bar and D grabbed her wrist so that V could not escape his clutch. He said 'I've just spent 50 hours in a cell because of you' and was then escorted out by the premises' security. He handed himself in to the police a day or so later. A Victim Impact Statement made clear the stress and emotional upset caused to V. Depression from which she previously suffered had been exacerbated or caused to return by the events. D had previous for dishonesty but not for violence. An examination of police records showed a history within the marriage of abusive behaviour by D towards V. The PSR noted D's growing cocaine addiction had caused him to neglect his business. The Judge said D had [completely] ignored the court orders and the bail conditions, and that could not be ignored. Imprisonment had to be imposed. .Held. We agree with that. The guidelines stress that the main object of sentencing in this area is to achieve compliance with the orders. The higher bracket in the guideline (involving some violence and/or significant psychological harm, 26-39 weeks) was closer to meriting the justice of this case, especially given that all but the first two breaches were committed whilst on bail. [We start at 12 months, so with full credit] **8 months.**

D Volume