COURT OF APPEAL FOR ONTARIO

CITATION: United States v. Paradkar, 2026 ONCA 392
DATE: 20260604
DOCKET: COA-26-OM-0051

van Rensburg J.A. (Motion Judge)

BETWEEN

The Attorney General of Canada
on behalf of the United States of America

Applicant

and

Deepak Balwant Paradkar

Respondent

Heather J. Graham, for the applicant

Ravin Pillay, for the respondent

Heard: April 1, 2026

On application pursuant to s. 18(2) of the *Extradition Act*, S.C. 1999, c. 18, to review a release order by Justice Peter Bawden of the Superior Court of Justice, dated December 23, 2025, pending a request for extradition, with reasons reported at 2025 ONSC 7187.

REASONS FOR DECISION

Overview

[1] This is an application by the Attorney General of Canada (the "Attorney General") on behalf of the United States of America pursuant to s. 18(2) of the

Extradition Act, S.C., 1999, c. 18, to review the order of Bawden J. (the "application judge") for judicial interim release of the respondent, Deepak Paradkar, pending his committal hearing for extradition to the United States.

[2] The Attorney General makes a number of arguments asserting errors of law and principle in the application judge's conclusion that Mr. Paradkar had met his onus to establish that his detention is not necessary (1) to ensure his attendance in court; (2) for the protection or safety of the public; or (3) to maintain public confidence in the administration of justice.

[3] Mr. Paradkar denies the alleged errors at first instance and asks that this review application be dismissed. He also asserts that there have been material changes in circumstances that support his continued release.

[4] Both parties seek to introduce fresh evidence.

[5] For the reasons that follow, the fresh evidence is admitted and the review application is dismissed. In view of my disposition of this matter, it is unnecessary to address Mr. Paradkar's material change arguments.

Background

[6] Mr. Paradkar was, until recently, a lawyer practising criminal law.[1] On October 28, 2025, he was charged in respect of offences related to a transnational

[1] On December 5, 2025, on consent, Mr. Paradkar's license to practise law was suspended by the Law Society of Ontario.

drug trafficking operation led by Ryan Wedding (the “Wedding DTO”). On November 18, 2025, Mr. Paradkar was arrested pursuant to a provisional arrest warrant, issued under s. 13 of the *Extradition Act*, to face proceedings for extradition to the United States on five charges brought against him in the State of California.

[7] The most serious charge against Mr. Paradkar is conspiracy to commit murder in connection with a continuing criminal enterprise and drug crime. The October 28, 2025 indictment (the “2025 Indictment”) alleges that Mr. Paradkar conspired with other members of the Wedding DTO in the murder of a confidential human source (“CHS”) who was assisting prosecuting authorities in criminal proceedings against Mr. Wedding and 15 other members of the Wedding DTO. These proceedings had been commenced by indictment in September 2024 (the “2024 Indictment”) and were publicly announced on October 17, 2024. The CHS was shot dead in Medellin, Colombia on January 31, 2025.

[8] The 2025 Indictment is based, in part, on information provided by a cooperating witness (“CW”), whose identity has not been publicly disclosed. The CW is described as a person who had trafficked drugs with Mr. Wedding and assisted him in committing multiple murders, and who had agreed to assist U.S. authorities in the investigation of the Wedding DTO, specifically in regard to the murder of the CHS.

[9] According to the 2025 Indictment, the Wedding DTO was a billion-dollar enterprise and the largest supplier of cocaine to Canada. It was responsible for transporting cocaine from Colombia to Mexico and across the border to the U.S., where it was stored before being conveyed by Canadian drug transportation networks to final destinations, mostly in Canada.

[10] It is alleged that Mr. Paradkar was a senior operative within the Wedding DTO and that he used his position as a lawyer to assist the organization, including by introducing Mr. Wedding to trusted couriers for the transport of drugs; investigating the seizure by authorities of drug shipments destined for Canada or the U.S.; paying defence counsel in both countries to investigate whether individual members of the Wedding DTO were cooperating with law enforcement; speaking with arrested individuals to determine whether they were cooperating; and obtaining and providing the organization with disclosure from prosecutors that it would not otherwise have access to, so that it could monitor any such cooperation, identify inculpatory evidence, and assess risk to other drug shipments. It is alleged that Mr. Paradkar was compensated for his services with cash drops and expensive watches.

[11] With respect to the conspiracy to commit murder charge, the 2025 Indictment alleges that Mr. Paradkar, as a member and associate of the Wedding DTO, advised Mr. Wedding and another member of the Wedding DTO to murder

the CHS so they would avoid extradition to the U.S. from Mexico on the criminal charges in the 2024 Indictment.

[12] Shortly after his arrest, Mr. Paradkar applied for bail. The hearing was conducted in the Superior Court of Justice (the “SCJ”) over the course of three days, commencing on December 10, 2025. For reasons dated December 23, 2025, the application judge made an order releasing Mr. Paradkar on conditions, including house arrest (with certain exceptions, provided he is in the presence of his wife and primary surety, Mandy Taylor Paradkar); the surrender of his passport; GPS monitoring; a prohibition on the possession of any electronic devices; a firearms and other weapons prohibition; and a pledge of $2.5 million each by Mr. Paradkar and Ms. Paradkar, secured by a lien on their properties in favour of the Attorney General.

Recent Events

[13] Since the hearing before the application judge, the following relevant events have taken place: Mr. Wedding surrendered on January 22, 2026, and is now in custody in the U.S.; a Revised Record of the Case was prepared by the U.S. Department of Justice and certified on February 11, 2026, pursuant to s. 33(3) of the *Extradition Act* (the “RROC”); the Minister of Justice issued an Authority to Proceed dated February 16, 2026, pursuant to s. 15 of the *Extradition Act* (the “ATP”), authorizing the Attorney General to proceed before the SCJ to seek an order for the committal of Mr. Paradkar for extradition to the U.S., and identifying

the Canadian offence corresponding to the alleged conduct as "conspiracy to commit murder, contrary to section 465(1)(a) of the *Criminal Code.*" The RROC and the ATP are the subject of the fresh evidence application brought by the Attorney General in this bail review.

Relevant Statutory Provisions

[14] The application for judicial interim release was made under s. 18(1)(b) of the *Extradition Act*. Pursuant to s. 19, the provisions of Part XVI of the *Criminal Code,* R.S.C., 1985, c. C-46 apply to bail applications under s. 18, including the criteria for bail set out in s. 515(10). Section 515(10) provides that the detention of an accused in custody is justified only on one or more of the following grounds:

> (a) where the detention is necessary to ensure the accused's attendance in court in order to be dealt with according to law;
>
> (b) where the detention is necessary for the protection or safety of the public, having regard to all the circumstances including any substantial likelihood that the accused will, if released from custody, commit a criminal offence or interfere with the administration of justice; and
>
> (c) if the detention is necessary to maintain confidence in the administration of justice, having regard to all the circumstances, including:
>
> > (i) the apparent strength of the prosecution's case,
> >
> > (ii) the gravity of the offence,
> >
> > (iii) the circumstances surrounding the commission of the offence, including whether a firearm was used, and
> >
> > (iv) the fact that the accused is liable, on conviction, for a potentially lengthy term of imprisonment or, in the case of an

> offence that involves, or whose subject-matter is, a firearm, a minimum punishment of imprisonment for a term of three years or more. [emphasis added.]

[15] Mr. Paradkar, having been charged but not convicted, is presumed innocent. He also enjoys the protection of s. 11(e) of the *Charter* – the right not to be denied bail without just cause: *Canada (Attorney General) v. Raghoonanan* (2003), 63 O.R. (3d) 465 (C.A.), at para. 51. In seeking judicial release pending his committal hearing, however, Mr. Paradkar bore the onus of establishing that his detention was not justified under any of the primary, secondary, or tertiary grounds. The reverse onus applied because the offences are alleged to have been committed for the benefit of a criminal organization: *Criminal Code*, s. 515(6)(a)(ii); because the charges include conspiracy to traffic in cocaine: *Criminal Code*, s. 515(6)(d); and because the charges include conspiracy to commit murder: *Criminal Code*, s. 522.

The Application Judge's Reasons

a. Evidence at the Bail Hearing

[16] The evidence before the application judge included the affidavits and testimony of Mr. Paradkar, Ms. Paradkar, and the second surety, who is Ms. Paradkar's cousin; the Request for Provisional Arrest to Canada, which had been filed in support of the application for the provisional arrest warrant; the affidavit of an RCMP officer, which essentially provided a synthesis of that document; and a letter dated December 3, 2025 from the U.S. Department of Justice setting out

information and concerns relevant to the application for bail (the “Bail Letter”). There was also material filed under seal (but which was unsealed for the review application), including the 2024 Indictment and the 2025 Indictment (which are public documents). Submissions relating to the CW were made *in camera* in the court below, and a transcript of those submissions was filed under seal for the review application.

[17] The evidence about Mr. Paradkar’s alleged offences is set out in detail in the application judge’s reasons. Briefly, it consists of information obtained during the investigation by U.S. authorities, including information provided by the CW during multiple meetings with authorities between February and November 2025, as well as communications retrieved from the cell phones of arrested individuals and through interceptions.

[18] My review proceeds on the record that was before the application judge, except as supplemented by the fresh evidence that I have admitted (for reasons I set out further below).

b. Summary of the Application Judge’s Reasons on Each Ground

[19] The application judge found that Mr. Paradkar had established that his detention was not necessary on any of the three grounds, although he had only “narrowly met his onus on the tertiary ground.”

[20] With respect to the primary ground, the focus was on assessing whether Mr. Paradkar was a flight risk. The Attorney General asserted that Mr. Paradkar was almost certain to flee to avoid the prospect of spending the rest of his life in a U.S. prison, and that he had various potential means of absconding: he could seek refuge with a foreign drug cartel, use undisclosed resources to leave Canada, or "go underground" in Canada.

[21] As part of his analysis of the primary ground, the application judge reviewed the available evidence of the underlying offences to assess the strength of the U.S. prosecution. He concluded that the strongest evidence against Mr. Paradkar was a record of an encrypted chat between Mr. Wedding, Andrew Clark (described as Mr. Wedding's "second in command"), and Mr. Paradkar with respect to the arrest in Arkansas of two individuals who were transporting drugs for the Wedding DTO. If the prosecution could prove that Mr. Paradkar authored the messages attributed to him, it would strongly suggest he used his status as a lawyer to assist the Wedding DTO. The chat also indicates that Mr. Paradkar knew the DTO was considering killing the couriers. However, because the full chat was not before him, the application judge concluded that the strength of that inference could not be fully determined.

[22] As for the allegation that Mr. Paradkar had conspired to murder the CHS, the application judge observed that this rested almost entirely on the evidence of the CW. According to the CW, after the 2024 charges were announced, Mr.

Wedding and others were involved in tracking down and killing the CHS. The CW is expected to testify that Mr. Paradkar, using an encrypted messaging application, told Mr. Wedding and the CW that the indictment would most certainly be dismissed if the CHS were killed. After identifying what he described as "peculiarities" in the CW's description of the alleged conspiracy, the application judge concluded that an experienced defence lawyer such as Mr. Paradkar would not characterize this as an overwhelming case for conviction or surmise, based on the information disclosed, that his conviction at trial in California was a certainty.

[23] The application judge provided several other reasons to support his conclusion that Mr. Paradkar was not a flight risk. First, Mr. Paradkar would require enormous assistance from a sophisticated organization to flee the country, including false travel documents capable of bypassing modern security measures, a means of evading facial recognition technology employed at all border crossings, and logistical support to cross the border and then traverse the U.S. on his way to Mexico. Second, there was no reason to believe that Ms. Paradkar would abandon her daughters and a lifetime of law-abiding behaviour to assist Mr. Paradkar in fleeing. Under the proposed bail terms, Mr. Paradkar would be under her constant supervision. On any occasion when she was required to leave the home, she would be able to monitor his whereabouts using a home security system which includes 20 interior and exterior surveillance cameras and motion sensors. Third, the remaining members of the Wedding DTO were more likely to kill Mr. Paradkar

than assist him, so Mr. Paradkar would be likely to attend court and comply with his bail terms to stay alive. Fourth, it was obviously contrary to Mr. Paradkar's interests to flee: the case against him, while strong, was "certainly defendable". If he fled and was caught, he would never be granted bail again and his flight could be treated as evidence of guilt. In the unlikely event he did successfully flee, he would spend the rest of his life as a fugitive, separated from his family.

[24] The application judge also found that it was very unlikely Mr. Paradkar would attempt to "go underground" in Canada, where he would not be able to avoid detection for long. He noted that Mr. Paradkar was 62 years old, had diabetes and a history of serious cardiac issues, and that he would inevitably require medical care that he would not be able to receive without identifying himself.

[25] On the secondary ground – whether Mr. Paradkar had established that his detention was not necessary to protect the public – the application judge considered the Attorney General's submission that there was a substantial likelihood that he would obstruct justice by intimidating witnesses or discouraging them from testifying. While he accepted that these concerns were legitimate, the application judge concluded that they could be addressed through appropriate bail conditions. He found Ms. Paradkar to be an intelligent, reliable and determined surety. He was confident that she would not let her husband resume communications with the Wedding DTO or obstruct justice, in light of the financial incentive to comply with the bail conditions and the risk to her family posed by the

Wedding DTO. The application judge also considered that Mr. Paradkar had no history of breaching court orders; that he had served as an officer of the court for nearly 30 years; and that he was fully aware of the consequences of breaching bail.

[26] On the tertiary ground – confidence in the administration of justice – the application judge considered each of the four factors listed under s. 515(10)(c). In considering the first enumerated factor, he rejected Mr. Paradkar's arguments with respect to the unreliability of the CW's evidence, stating that there was no reason to conclude that the evidence in this case would fail to meet the standard for extradition. Accordingly, he found that the case for extradition was strong, which favoured detention. Next, he concluded that the charges were of the utmost gravity: that a lawyer would advocate the killing of a witness represented "one of the most serious allegations imaginable", such that the gravity of the offences strongly favoured detention. As for the circumstances surrounding the commission of the offences, the application judge acknowledged that it was alleged that Mr. Paradkar was a member of a criminal drug trafficking organization and had committed offences for its benefit. He noted, however, that, while public confidence in the administration of justice may be diminished if an accused is released while facing multiple sets of charges, if an offender with a lengthy record for similar offences is granted bail, or where release poses an immediate risk to a member of the community, such circumstances were absent here. The application judge

concluded that this factor favoured detention, but not overwhelmingly so. Finally, there was the potential for a lengthy term of imprisonment if Mr. Paradkar were convicted, a factor that clearly favoured detention.

[27] The application judge also considered other factors as relevant to the tertiary ground: Canada's obligations under its extradition treaties; Mr. Paradkar's safety if detained; his health if detained; and the strength of the proposed release plan. He found that the fact that Mr. Paradkar's safety could not be guaranteed if he was detained favoured release, as did the fact that a prolonged period of detention in a local jail would likely be harmful to Mr. Paradkar's health. The application judge had a high level of confidence in the proposed release plan and in Ms. Paradkar's motivation and ability to act as a surety, and he was satisfied that electronic monitoring was an effective measure to promote compliance.

[28] The application judge recognized that, even where the four factors listed in s. 515(10)(c) favour detention, that result does not automatically follow. Adopting the standard of a reasonable person, the application judge concluded that a decision to release Mr. Paradkar would not cause a loss of confidence in the administration of justice. Among other things, a reasonable person would recognize the primacy of the presumption of innocence and the constitutional guarantee of reasonable bail unless there is just cause for detention; Mr. Paradkar's incentive to comply with bail, because "any attempt to flee would permanently sever his ties with his wife and daughters"; Mr. Paradkar's reliable

release plan with a lien on the entire value of his home; his age and serious health conditions; and that his safety could not be assured in jail.

Standard of Review

[29] The standard of review for intervention in a bail review under s. 18(2) of the *Extradition Act* requires that the reviewing court be satisfied that the impugned decision contains an error in principle: *R. v. St-Cloud*, 2015 SCC 27, [2015] 2 S.C.R. 328, at para. 102; *United States v. Pannell* (2005), 193 C.C.C. (3d) 414 (Ont. C.A.), at para. 24; *United States v. Singh*, 2014 ONCA 559, at para. 7. The issue is not whether I would grant bail if the matter came before me at first instance, but whether reviewable error on the part of the judge who sat on the initial application is demonstrated: *United States v. Chan* (2000), 144 C.C.C. (3d) 93 (Ont. C.A.), at para. 2.

[30] An error in principle, for the purposes of s. 18(2), includes errors of law, the failure to consider relevant factors, the over- or underemphasis of relevant factors, and the consideration of irrelevant factors: *United States v. Baratov*, 2017 ONCA 481, at para. 8.

[31] Finally, the reviewing court also has the authority to vary the order of the application judge if satisfied that there has been a material and relevant change in the circumstances of the case such that the application judge would not have made

the order that he did had he been aware of these circumstances: *Baratov*, at para. 10; *St-Cloud*, at para. 121.[2]

Submissions of the Parties

a. Position of the Attorney General

[32] The Attorney General asserts that intervention is required in this case on the basis that there are errors in principle in respect of all three grounds under s. 515(10).

[33] The Attorney General argues that the application judge erred: (1) in misdirecting himself on the law and failing to apply the requisite scrutiny to the risk of flight under the primary ground; (2) by considering the strength of the case for prosecution, rather than the strength of the case for committal, in assessing flight risk and, in so doing, impermissibly assessing the CW's credibility; (3) by failing to meaningfully grapple with material evidence elicited in the cross-examinations of Mr. Paradkar and Ms. Paradkar, which was relevant to the assessment of Mr. Paradkar's flight risk and the suitability of Ms. Paradkar as his surety; (4) by drawing inferences that were speculative and not grounded in the evidence; and (5) by making a decision that was clearly inappropriate on the tertiary ground, by

[2] Typically, a bail review based only on a material change in circumstances would be brought back before the court of first instance, here the SCJ. However, a bail review for error brought in this court may also consider changed circumstances: *Romania v. Alexa*, 2010 ONCA 195, 259 O.A.C. 393 at para. 20; *United States of America v. Khadr*, (2008), 234 C.C.C. (3d) 129 (Ont. S.C.), at para. 54; *R. v. Nygard*, 2021 MBCA 27, at paras. 15-16.

giving unjustified weight to some factors and insufficient weight to others, including the mandatory factors.

[34] The Attorney General also brings an application to admit the ATP and the RROC as fresh evidence on this review.

b. Position of Mr. Paradkar

[35] Mr. Paradkar submits that the application judge made no reversible errors. He contends that much of what is argued by the Attorney General challenges the application judge's findings of fact, which were grounded in the evidence, and his confidence in the release plan, which was based on his assessment of the credibility of Ms. Paradkar and other relevant factors. Mr. Paradkar submits that the application judge properly articulated and applied the law relating to the primary ground: he carefully considered whether Mr. Paradkar was a flight risk; he did not err in considering the weaknesses in the prosecution's case as it related to that risk; and he crafted bail conditions to meaningfully address the risk. Finally, while Mr. Paradkar made no submissions on the tertiary ground in particular, his overall argument for deference implies the contention that the application judge made no error of law or principle, and instead properly assessed and weighed the relevant factors, in concluding that detention was not necessary to maintain public confidence in the administration of justice.

[36] As for the Attorney General's fresh evidence application, Mr. Paradkar opposes the admission of the RROC and consents to the admission of the ATP. Mr. Paradkar also seeks, without opposition from the Attorney General, to rely on information provided in a law clerk's affidavit, about Mr. Wedding's arrest and detention, and listing the dates and times of 30 bail compliance checks confirming Mr. Paradkar's presence at his home during police attendances between December 24, 2025 and March 17, 2026.

Fresh Evidence Application

[37] There is broad scope for the admission of fresh evidence on a s. 18(2) bail review. The test for admission is a modified *Palmer* test (*Palmer v. The Queen*, [1980] 1 S.C.R. 759), such that this court must consider (1) whether the party tendering the fresh evidence proceeded with due diligence, which requires "some reason that is legitimate and reasonable" that the evidence was not tendered at first instance; (2) whether the fresh evidence is relevant to an issue before the court; (3) the credibility or trustworthiness of the fresh evidence; and (4) its materiality, i.e., its significance to the decision of the justice at first instance:[3] *St-Cloud*, at paras. 129-137.

[3] In *St-Cloud*, which dealt with the tertiary ground, the court described the fourth factor for the admission of fresh evidence in a bail review in the following way: "the new evidence must be such that it is reasonable to think, having regard to all relevant evidence, that it could have affected the balancing exercise engaged in by the justice under s. 515(10)(c). The fresh evidence must therefore be significant.": at para. 137.

[38] The Attorney General does not seek admission of the fresh evidence to establish a true change in circumstances. Rather, it is submitted that the fresh evidence would have affected the application judge's assessment of the s. 515(10) grounds for detention, and in particular the tertiary ground.

[39] Addressing the admissibility factors, the Attorney General relies on the fact that neither the ATP nor the RROC was available at the time the bail application was argued. With respect to the RROC, whose admission as fresh evidence is contested, the Attorney General notes that it was prepared in accordance with the timelines under the Canada-U.S. extradition treaty and was not available at the time of Mr. Paradkar's arrest which took place in the urgent circumstances of a nation-wide takedown, or upon the expeditious hearing of his bail application. This explanation, the Attorney General argues, is sufficient to meet the "due diligence" requirement. With respect to the materiality of the evidence, the Attorney General asserts that there are additional details provided in the RROC that are relevant to the strength of the case for extradition and could have impacted the application judge's balancing of the factors on the tertiary ground, as well as his conclusion that the charges were "defendable", a factor he relied on in assessing Mr. Paradkar's flight risk.

[40] In opposing the admission of the RROC as fresh evidence, Mr. Paradkar contends that the Attorney General has not met the "due diligence" requirement because the information contained in the RROC existed and ought to have been

put before the court at first instance. He submits, further, that the "materiality" requirement is not met because substantially all of the information contained in the RROC was already in the materials that were before the application judge, and the RROC reveals no new information that would reasonably have affected the outcome of the bail application.

[41] In my view, the Attorney General has met the relatively low threshold to establish due diligence in respect of the proposed admission of the RROC. The RROC was prepared in compliance with the requirements of the Canada-U.S. extradition treaty. I accept that the details contained in the RROC were not ready to be tendered on December 10, 2025, a mere three weeks after Mr. Paradkar's arrest, and there is nothing to indicate that the preparation and release of the RROC could or should have been accelerated in response to Mr. Paradkar's speedy bail application. This meets the requirement to show "some reason that is legitimate and reasonable" for the Attorney General not having advanced the RROC, or all of the information contained within this document, at first instance.

[42] On the issue of materiality, having reviewed and compared the documents, I accept Mr. Paradkar's submission that most of what is in the RROC was already before the application judge in the 2025 Indictment, the Request for Provisional Arrest, and/or the Bail Letter, and that the differences between what was available on the application and what is in the RROC are largely a matter of detail rather than substance.

[43] That said, the RROC provides additional information from the CW that would respond to some of the concerns the application judge expressed about "peculiarities" in the CW's description of the alleged conspiracy. For example, in the account that was before the application judge, the CW stated that, leading up to the murder of the CHS, Atna Ohna (identified as a hitman for the Wedding DTO) had contacted the CHS to inquire whether he was providing information to the FBI concerning Mr. Wedding, and that the CHS had confirmed that he was. The CW also stated that Mr. Paradkar had advised Mr. Ohna to preserve the phone containing his messages with the CHS. The application judge found it unusual that an informant would voluntarily admit cooperation with police, and that it was difficult to discern any advantage in retaining a device used to locate a murdered informant. The RROC provides additional details that arguably would have addressed these "peculiarities": first, that the CHS had told multiple people that he was cooperating with the FBI; and second, that Mr. Wedding directed Mr. Ohna to delete all other information on the phone and only leave the message string with the CHS, and to hand over the phone to Mr. Paradkar, as Mr. Paradkar believed the text messages could be used as evidence in Mr. Wedding's case.

[44] With respect to Mr. Paradkar's alleged advice about the murder of the CHS, in addition to stating that Mr. Paradkar told Mr. Wedding and the CW that the FBI's case would no longer be viable if the suspected CHS were killed, the RROC indicates that the CW is expected to testify that, "when [the CHS] was killed, Mr.

Paradkar reaffirmed his belief, in conversations with Wedding and the CW, that the FBI's case was no longer viable."

[45] I accept the Attorney General's argument that the additional information in the RROC is relevant to the strength of the case for extradition, which is the first mandatory factor to be considered in respect of the tertiary ground. I also accept that it is relevant to the strength of the case for conviction (while recognizing, as well, the Attorney General's position that the application judge erred in considering this factor). I am satisfied that the RROC should be admitted, particularly in light of the fact that the ATP will be admitted without objection for the same purpose.

[46] As I have noted, Mr. Paradkar consents to the admission of the ATP, which, in any event, meets the test for admissibility. The Attorney General could not have tendered the ATP at first instance because it had not yet been issued. The fact that the ATP has been narrowed to a single charge of conspiracy to commit murder is both relevant and material to this bail review. It is relevant to an assessment of the first statutory factor under s. 515(10)(c) – the strength of the case for committal – and to the assessment of the strength of the case for conviction (which, I recognize again, the Attorney General argues should not have been considered by the application judge). There is also no concern with the credibility and trustworthiness of the ATP.

[47] Finally, the Attorney General does not oppose the admission of the information contained in the law clerk's affidavit with respect to Mr. Wedding being in custody and Mr. Paradkar's compliance with the terms of his bail. This information also meets the test for admission as fresh evidence.

[48] Accordingly, the RROC, the ATP and the law clerk's affidavit are admitted as evidence in this bail review.

Analysis

a. Issues on the Bail Review

1. The application judge took an appropriately cautious and probing approach in assessing Mr. Paradkar's flight risk

[49] The Attorney General argues that the application judge erred in law in minimizing the importance of flight risk under the primary ground, when he stated that "[t]here is no legal requirement that courts pay particular concern to the risk of flight in extradition cases". It is alleged that this error caused the application judge to address the primary ground under s. 515(10)(a) through the wrong lens. The Attorney General points to cases suggesting that, in light of the need to honour Canada's international treaty obligations, courts must apply greater scrutiny to the risk of flight in extradition bail cases: see, e.g., *United States of America v. Edwards*, 2010 BCCA 149, 288 B.C.A.C. 15, at para. 18; *United States v. Emony*, 2025 ONCA 28, at para. 23; *United States of America v. Ugoh*, 2011 ONSC 1810,

269 C.C.C. (3d) 380, at para. 13; *United States of America v. Mordi*, 2010 ONSC 6666, at paras. 4-5.

[50] Mr. Paradkar argues that, while flight risk is often a heightened concern in extradition cases, it is not always in play. Where, as here, the person sought for extradition is a Canadian citizen who is alleged to have committed an offence in the requesting state without being physically present there, the risk of flight may not be significant: see Gary T. Trotter, *Law on Bail in Canada*, 3rd ed. (Toronto: Thomson Reuters Canada, 2026), § 14:7. Mr. Paradkar also submits that, in any event, the application judge did in fact carefully scrutinize the evidence relevant to the issue of his flight risk.

[51] I see no merit to the Attorney General's argument. Immediately after the application judge made the impugned comment about there being no legal requirement for particular concern about flight risk in extradition cases, he observed that, "for practical reasons, judges have traditionally been more discerning when considering the primary grounds." He noted that this arises from the fact that the charges tend to be serious, that the applicant may not ordinarily reside in Canada, and that Canadian courts are motivated to ensure that Canada is able to abide by its treaty obligations to requesting states. Consistent with this self-instruction, the application judge then closely examined the evidence with respect to Mr. Paradkar's flight risk.

[52] At paras. 61 to 69 of his reasons, the application judge assessed the Attorney General's submission that Mr. Paradkar was almost certain to flee to avoid the prospect of spending the rest of his life in a U.S. prison, rejecting as unrealistic the proposed scenarios of Mr. Paradkar seeking refuge with a foreign drug cartel, using undisclosed resources to leave Canada, or "going underground" in Canada.

[53] I need not determine whether the risk of non-appearance must always be approached more cautiously in extradition bail applications. For the purpose of this ground of review, it is sufficient to observe that the application judge did not, as alleged, fail to address the question of Mr. Paradkar's flight risk with the necessary scrutiny. A cautious and probing approach was adopted in this case by the application judge, who gave serious attention to the issue of flight risk.

2. The application judge did not err in considering the strength of the case for prosecution in the requesting jurisdiction in assessing Mr. Paradkar's flight risk

[54] The Attorney General alleges that the application judge made another error in respect of his articulation and application of the law on the primary ground. The Attorney General contends that, contrary to the position attributed to it by the application judge, it did not argue that the strength of the case for prosecution in the U.S. increased Mr. Paradkar's flight risk, and that it was an error for the application judge to consider this factor. The Attorney General submits that, in

extradition cases, bail judges are limited to considering the strength of the case for committal.

[55] In a related argument, the Attorney General submits that the application judge erred in assessing the credibility of the CW as part of his evaluation of the strength of the case for conviction. The Attorney General points to the Supreme Court's direction in *St-Cloud* that bail judges are not to take on the role of triers of fact and are to leave matters such as the credibility of witnesses for the trial: at para. 58. In the Attorney General's view, the application judge's identification of "peculiarities" in the CW's evidence went beyond his proper role on the bail application.

[56] Mr. Paradkar argues that the application judge accurately set out the position articulated by the Attorney General at the bail hearing and that, in any event, he was correct to consider the strength of the case for prosecution in the U.S., because it related to Mr. Paradkar's alleged incentive to flee. He submits that, logically, a person sought for extradition will not merely be concerned with the case for committal, but whether he is likely to be convicted in the requesting jurisdiction.

[57] Mr. Paradkar also submits that the case against him rests almost entirely on the credibility of the CW, who has a significant incentive to lie in order to receive immunity and deflect blame for their own role in the Wedding DTO. In the

circumstances, there was nothing problematic in the application judge recognizing obvious and serious credibility concerns with the CW's evidence.

[58] In determining whether the three grounds for detention have been rebutted, the court must consider all relevant circumstances bearing on the issue. While the reference in s. 515(10)(c) to "the apparent strength of the prosecution's case" means the strength of the case for committal and not the ultimate prosecution (*R. v. Nygard*, 2021 MBCA 27, at para. 29), there is nothing in s. 515(10)(a) that would specifically preclude consideration of the strength or weakness of the case for conviction as part of the assessment of flight risk.

[59] Mr. Paradkar refers to one decision where, in a s. 20 application for bail after extradition was ordered and pending the Minister's decision, this court considered, among many other factors, the strength of the prosecution's case "to the extent it [had] been disclosed" as part of the third element of the test under s. 679 of the *Criminal Code* (whether detention was necessary in the public interest): *Raghoonanan*, at para. 52. There are other s. 18 bail application decisions where the strength of the case in the requesting jurisdiction has been considered, in passing, as relevant to the assessment of flight risk: see, e.g., *Canada v. David*, 2011 ONSC 6360, at para. 28; *United States v. Akubueze*, 2011 ONSC 6456, at para. 54.

[60] I agree with the Attorney General that typically it would be both premature and speculative for the extradition bail court, based on the information put forward in support of extradition, to assess, even in a preliminary way, the strength of the prosecution in the requesting jurisdiction.

[61] Even at a committal hearing, "[t]he extradition judge's role is to determine whether there is a *prima facie* case of a Canadian crime, not to become embroiled in questions about possible defences or the likelihood of conviction. Extradition hearings are not trials; they are intended to be 'expeditious procedures to determine whether a trial should be held'": *M.M. v. United States of America*, 2015 SCC 62, [2015] 3 S.C.R. 973, at para. 38. At the committal hearing, the certified information before the court is presumed to be reliable and there is a very narrow scope for the assessment of credibility: *M.M.*, at paras. 71-72. This court recognized in *Baratov*, at para. 7, "the limited role of the court in assessing the strength of the case in an extradition proceeding" and extended this principle to the context of a bail application pending extradition. See also *Nygard*, at para. 40.

[62] However, in the particular circumstances of this case, I see no error in the application judge's consideration of the strength of the prosecution in the U.S., based on the record before him, as part of his assessment of the first ground under s. 515(10). In assessing Mr. Paradkar's flight risk, he identified and weighed the factors that would pull in each direction. Ultimately, he concluded that the most compelling reason to find that Mr. Paradkar would not flee was that it was "so

obviously contrary to his interests to do so." As part of his assessment, while the application judge acknowledged that it was not possible "to draw any firm conclusions regarding the ultimate strength of the prosecution's case from the materials provided to justify an arrest", he looked at the available information concerning the case from Mr. Paradkar's point of view. He did not say that the prosecution case was "weak"; rather, he concluded that, to the extent it depended on the word of a cooperating witness, it was "defendable". In the application judge's view, "an experienced defence lawyer such as Mr. Paradkar would not conclude based on [the information he reviewed and the frailties he identified] that conviction at trial in California is a certainty" and "would not characterize this as an overwhelming case for conviction." The application judge was assessing the case from the perspective of an experienced defence counsel, who would be more capable than most of evaluating the case against him and weighing this factor in any decision he might make to flee.

[63] The application judge did not err when, in the particular circumstances of this case, he considered this factor as part of his evaluation of Mr. Paradkar's flight risk. Nor do I see any error in the application judge's identification of potential weaknesses in the available evidence, including concerns about the credibility and reliability of the CW, as part of this assessment. These concerns were relevant for the limited purpose of evaluating the case from Mr. Paradkar's perspective.

[64] Before leaving this ground of review, I will briefly address the Attorney General's submission that the further details about the CW's evidence provided in the RROC confirm that there is now no basis to discount or reject this evidence. I disagree. The application judge recognized that the conspiracy to commit murder charge would rely substantially on the anticipated evidence of a cooperating witness who was a highly placed member of the Wedding DTO and had been involved in at least one murder. He noted that the consideration offered for the CW's cooperation was likely to have been significant. None of the additional information in the RROC changes these facts.

[65] It is true that the RROC indicates that the FBI has found the CW to have "consistently provided credible and corroborated information regarding Wedding and the Wedding DTO." That said, in relation to the one offence covered by the ATP – conspiracy to commit murder, the only new detail offered by the RROC is that the CW is expected to testify that, after the CHS was murdered, Mr. Paradkar had a conversation with Mr. Wedding and the CW in which he reaffirmed his belief that the FBI's case in respect of the 2024 Indictment was no longer viable. In my view, this adds little to what was before the application judge in relation to the one charge in the ATP. Moreover, the RROC addresses some, but not all, of the "peculiarities" that the application judge found in the information provided by the CW.

[66] While the RROC and the ATP, taken together, might well have led the application judge to assess the strength of the case for conviction differently, in my view they would not have led him to a different result on this point, and would not have impacted the role this factor played in his assessment of Mr. Paradkar's flight risk.

3. The application judge did not ignore evidence elicited in cross-examination

[67] The Attorney General submits that the application judge ignored material evidence elicited in the cross-examinations of Mr. Paradkar and Ms. Paradkar about the couple's lifestyle, assets, and other financial resources, and that he failed to grapple with the argument that Mr. Paradkar has unexplained wealth. According to the Attorney General, these errors are relevant to the application judge's assessment of both the primary ground (whether Mr. Paradkar has undisclosed resources he could use to flee) and the secondary ground (whether Mr. Paradkar has a strong incentive to continue a criminal lifestyle).

[68] Mr. Paradkar responds that the credibility determinations of the application judge are entitled to deference. He argues that the application judge did not ignore any evidence but simply declined to draw the inferences urged below and repeated in this court by the Attorney General. He asserts that the Paradkars' wealth was entirely explained by the witnesses and that the application judge was entitled to accept their evidence.

[69] At the bail hearing, the Attorney General elicited evidence from Ms. Paradkar about the couple's lifestyle: that they went on expensive family vacations; that they had four leased luxury vehicles; and that they had recovered insurance proceeds, after a break-in at their house, in respect of luxury items such as jewellery, watches, men's suits, and designer handbags and shoes. The Attorney General made the same arguments that are made here: that Mr. Paradkar has unexplained wealth and therefore the financial wherewithal to flee the jurisdiction and an incentive to continue his criminal lifestyle.

[70] I agree with Mr. Paradkar that the challenge is to the application judge's assessment of the evidence. Mr. Paradkar and Ms. Paradkar were questioned about their income and assets, and they provided explanations for how their various assets had been acquired over the years. While it was suggested that their admitted sources of income and their lifestyle and assets did not "add up", this was far from an inevitable conclusion on the record.

[71] In any event, I doubt that the application judge's conclusion that Mr. Paradkar met his onus on the first two grounds would be any different if he had concluded that Mr. Paradkar had "unexplained wealth". It was evident that Mr. Paradkar had significant assets and a healthy income from his law practice and rental properties. Whether or not he had undisclosed income, the real issue was not whether Mr. Paradkar had the financial means to fund an escape, but whether he had the incentive to do so. Mr. Paradkar's incentive to stay in Canada, and to

comply with the terms of his bail and attend court, was, in the application judge's words, a "compelling reason" for finding that Mr. Paradkar had met his onus. Similarly, the existence of any unexplained wealth would not, in and of itself, support a finding that Mr. Paradkar had an incentive to continue an allegedly criminal lifestyle, and the application judge did not err in declining to so find. The decision on each of the first two grounds did not turn on any conclusion the application judge might have reached about Mr. Paradkar's financial resources.

[72] In a related argument, the Attorney General submits that the application judge failed to perform any analysis of the suitability of Ms. Paradkar as the primary surety, which was relevant to the adequacy of the bail plan and to all three grounds. I disagree.

[73] The Attorney General's real complaint appears to be that the application judge considered Ms. Paradkar to be a suitable surety notwithstanding that she claimed to be unaware of her husband's alleged illegal activities, despite the fact that they lived and worked together. The Attorney General argued in this court and in the court below that Ms. Paradkar was not to be trusted to supervise her husband. While this was a legitimate argument, it was for the application judge to determine whether, on all of the evidence, and with the advantage of hearing and seeing the witnesses as they testified, Ms. Paradkar would be a reliable surety. The evidence included Ms. Paradkar's unchallenged testimony that, after 2020, she did very little paralegal work in her husband's practice; that, apart from

handling trust reconciliations, she did no accounting or other work since 2024; and that Mr. Paradkar handled the family finances.

[74] In considering the primary ground, the application judge recognized that, with the proposed bail plan, it would be impossible for Mr. Paradkar to leave the jurisdiction without Ms. Paradkar's complicity. He did not believe she would abandon her daughters and a lifetime of law-abiding behaviour to help him flee. In considering the second ground, he concluded that the risk that Mr. Paradkar would continue to have contact with a criminal organization and interfere with witnesses could be addressed through bail conditions. He accepted Ms. Paradkar's evidence that she would not permit her husband to use any electronic device to communicate with anyone outside the household, and he found that she was an intelligent, reliable and determined surety, with a significant financial incentive to comply, and a full appreciation of the dangers to her family presented by the Wedding DTO. In her evidence, Ms. Paradkar described the security arrangements of the home, which included the surveillance cameras and motion sensors described above, as well as live monitoring by a security company that she and the other surety could also monitor. In assessing the tertiary ground, the application judge reiterated his high level of confidence in the proposed release plan, characterizing Ms. Paradkar as an excellent surety whose motivation to ensure strict compliance with the bail terms could not be greater.

[75] Contrary to the Attorney General's submissions, the application judge did assess Ms. Paradkar's suitability as a surety. The findings he made were open to him on the evidence, and there is no reason to interfere on this ground.

4. The application judge did not rely on speculative findings

[76] The Attorney General submits that the application judge's conclusion that Mr. Paradkar had a low risk of absconding was based on findings that were speculative and made without evidence. These included his conclusions about the use of facial recognition technology at all border crossings, and the medical care Mr. Paradkar would not have access to if he were to "go underground" or flee the country.

[77] Mr. Paradkar contends that the application judge's "speculation" was simply a response to the Attorney General's arguments that Mr. Paradkar would have the means to abscond and stay hidden, which, Mr. Paradkar submits, were themselves speculative.

[78] This argument can be addressed briefly. I agree with Mr. Paradkar that, to the extent the application judge could be said to be speculating, he was responding to scenarios for flight that were themselves, necessarily hypothetical: that Mr. Paradkar would seek refuge with a foreign drug cartel, use undisclosed resources to leave Canada for a foreign country, or "go underground" in Canada. The application judge assessed these submissions with reference to what might

practically be entailed. While the Attorney General may well be correct that Mr. Paradkar could cross a border without being subject to facial recognition technology, and that, using his resources and those of the Wedding DTO, he could access medical care after absconding, it was open to the application judge to conclude that Mr. Paradkar "could only leave the jurisdiction with enormous support from a sophisticated organization and the unreserved complicity of his surety." Moreover, the conclusion that Mr. Paradkar was not a flight risk did not turn on the evidence the Attorney General points to as "speculative", but rather on his incentives to stay and comply with the terms of his bail, flowing from his connections to family in Canada, and his likely assessment of the case against him as "defendable".

5. The application judge did not err in his assessment of the tertiary ground factors

[79] The Attorney General submits that the application judge erred in the weight he assigned to the various factors in relation to the tertiary ground – whether confidence in the administration of justice requires that Mr. Paradkar be detained. The Attorney General contends that, having assessed all the enumerated factors as favouring detention, the weight the application judge placed on the health and safety of Mr. Paradkar, and on the strength of the release plan, resulted in a decision that is clearly inappropriate. While not taking issue with the relevance of these additional factors, the Attorney General argues that the application judge

failed to provide an adequate explanation for why they outweighed the four mandatory factors which supported Mr. Paradkar's detention.

[80] In making this argument, the Attorney General points to specific pieces of evidence which it says ought to have impacted the weight assigned to the factors. In relation to the mandatory factor of the circumstances of the offence, the Attorney General asserts that the application judge overlooked the fact that Mr. Paradkar was an officer of the court, that a firearm was used in the murder of the CHS, and that the CHS was a justice system participant. In respect of Mr. Paradkar's safety if detained, what is missing from the analysis is a recognition of Mr. Paradkar's evidence that, while he was not placed in protective custody as requested at the Toronto South Detention Centre in his first few days of detention, he was in protective custody after he moved to the Toronto East Detention Centre, and that all incidents of violence that he witnessed in custody took place at the first institution. As for the risk to Mr. Paradkar's health if detained, the Attorney General submits that the application judge ignored the fact that he had seen a nurse and had his blood tested while in custody, and improperly rejected its argument that court orders would be available to respond to conditions that could affect Mr. Paradkar's health, such as the cold temperatures he had experienced. The Attorney General also repeats the argument that, in assessing the strength of the bail plan as part of the tertiary ground, the application judge failed to properly assess Ms. Paradkar's suitability to supervise Mr. Paradkar.

[81] As noted earlier, while Mr. Paradkar did not specifically address the points raised by the Attorney General in relation to the tertiary ground, his overall argument for deference implies the contention that the application judge made no error of law or principle, and instead properly assessed and weighed the relevant factors, in concluding that detention was not necessary to maintain public confidence in the administration of justice.

[82] I note that, in arguing this ground, the Attorney General does not suggest that there was any error of law or principle here, except in the application judge's weighing of the factors and the evidence relevant to the tertiary ground. The Attorney General relies on a passage in *St-Cloud*, in the context of bail reviews under ss. 520 and 521 of the *Criminal Code*, where the court identified as reviewable a bail decision that is "clearly inappropriate, that is, if the justice who rendered it gave excessive weight to one relevant factor or insufficient weight to another". The court immediately went on to note, however, that "[t]he reviewing judge […] does not have the power to interfere with the initial decision simply because he or she would have weighed the relevant factors differently.": at para. 121.

[83] I do not understand *St-Cloud* to endorse a reweighing of factors relevant to the tertiary ground by the reviewing court. Rather, the review of the application judge's evaluation of the tertiary ground proceeds from a position of deference. The court observed, at para. 114, that the application judge, in addressing the

tertiary ground under s. 515(10)(c), must “balance several factors, including the ones listed in that provision” and in so doing “must for the most part make findings of fact and assess the weight of those findings to determine whether detention is justified.” The court noted that a decision made on the basis of s. 515(10)(c) “calls for the consideration of several factors that may be difficult to balance” and that “[t]his is a delicate exercise whose essence would be distorted if an open-ended discretion to review the initial release decision were to be conferred on the [reviewing] judge”: at para. 117. Similarly, the court cautioned against a reviewing judge substituting his or her assessment of the evidence for that of the justice: at para. 6.

[84] As Trotter J. (as he then was) noted in *R. v. Dang*, 2015 ONSC 4254, 21 C.R. (7th) 85, “this standard of review does not permit a mere re-weighing of relevant factors” which “would amount to the exercise of an open-ended discretion”, and, “in the absence of some demonstrable error or problem in the handling and balancing of relevant and irrelevant factors, a reviewing judge should not intervene”: at paras. 32, 37.

[85] The same approach is appropriate here. While errors in principle, for the purpose of an extradition bail review, include “failing to give sufficient weight to relevant factors [and] overemphasizing relevant factors” (*Baratov*, at para. 8), the reviewing court cannot intervene simply because it would have weighed the relevant factors differently. Moreover, an application judge’s findings of fact on a

bail application are entitled to deference, absent palpable and overriding error: *R. v. Oland*, 2017 SCC 17, [2017] 1 S.C.R. 250 at para. 61.

[86] I see no reviewable error in the application judge's treatment of the tertiary ground.

[87] First, I do not accept the Attorney General's argument that the application judge failed to give the mandatory factors sufficient weight. He clearly gave them serious consideration when concluding that Mr. Paradkar had only "narrowly" met his burden under the tertiary ground. In concluding that the first factor – understood here as the apparent strength of the case for extradition – favoured detention, the application judge rejected the argument that the evidence of the CW is so unreliable that it would be dangerous to rely on it, making the case for extradition weak. In considering the second factor, the application judge recognized that the charges were "of the utmost gravity" and that the allegation that Mr. Paradkar, "a trusted figure within the justice system, recommended the murder of a witness to ensure that an indictment against key members of a drug trafficking organization would be dismissed" represents "one of the most serious allegations imaginable". With respect to the third mandatory factor – the circumstances surrounding the commission of the offence – the application judge found it favoured detention, although "not overwhelmingly so", noting, on the one hand, Mr. Paradkar's alleged membership in a criminal organization, for whose benefit he is alleged to have committed offences, and, on the other hand, that his release would not "signal a

revolving-door approach" to the administration of criminal justice, since Mr. Paradkar was not subject to court orders at the time of his arrest and has no criminal record. As for the fourth factor – the potential for a lengthy term of imprisonment – the application judge accepted that the minimum sentence for causing the death of another person for the purpose of witness intimidation or retaliation would be life imprisonment, with the other charged offences carrying a maximum penalty of life imprisonment, a factor that also clearly favoured detention.

[88] I also reject the Attorney General's more specific criticism that the application judge failed to consider important circumstances surrounding the commission of the offence when weighing the enumerated factors. Contrary to its submission, the application judge did not overlook the most serious aspects of Mr. Paradkar's alleged conduct. While he did not refer to the fact that a firearm was used in the killing of the CHS, in his discussion of the second factor, he recognized Mr. Paradkar's role and the role of the CHS as justice system participants. He observed that "the suggestion that a lawyer would advocate the killing of a witness is beyond the pale."

[89] I turn now to the other factors that were considered by the application judge in relation to the tertiary ground. Again, the Attorney General asserts that they ought to have been given less weight based on the evidence.

[90] As the application judge noted, the Attorney General did not dispute that Mr. Paradkar's safety would be at risk while in custody because of his alleged involvement in the Wedding DTO, but argued that he would be safer in custody than at home. The issue did not turn on whether Mr. Paradkar's request for protective custody had been honoured in the second detention centre and not in the first, or specifically where the violence he had been exposed to in custody before being released had occurred. I would defer to the application judge's conclusion on the evidence before him, that there would be a risk to Mr. Paradkar's safety in custody, and that at his age, and with his serious health conditions, he would be in a poor position to defend himself if attacked.

[91] As for Mr. Paradkar's health, the application judge concluded that a prolonged period of detention in a local jail would likely be harmful to Mr. Paradkar's health. He considered the fact that Mr. Paradkar was a 62-year-old diabetic with a significant history of heart problems, and that he requires a strict daily regimen of medication at prescribed intervals to manage these conditions. The application judge noted that Mr. Paradkar would not have direct access to his medications while in custody, or control over when or if they would be delivered, and he accepted Mr. Paradkar's evidence that delays in receiving medication when he was detained caused adverse effects, including a racing heartbeat. All of these findings were available to the application judge on the evidence. The Attorney General is correct that public institutions are subject to court orders and that the

court can employ tools to ensure compliance with them. Nevertheless, it was open to the application judge to discount this argument, based on his own experience as a trial judge with orders not always being complied with, and in light of Mr. Paradkar's evidence that, even with a court endorsement on his warrant of remand, there had been delays in his receiving medical attention and medication.

[92] Finally, there is no question that the strength of the bail plan was a relevant consideration at the tertiary stage. As Copeland J. (as she then was) observed in *R. v. J.S.*, 2020 ONSC 1710, at para. 13, an important consideration on the tertiary ground, in addition to the four enumerated factors, is the proposed plan of release: "[a] reasonable and informed member of the community would not have concerns for the administration of justice if proposed release terms are sufficient to address the tertiary ground concerns."

[93] As I have already indicated, there is no reason to interfere with the application judge's assessment of Ms. Paradkar's suitability as a surety. No other aspect of the bail plan is challenged.

[94] I also reject the submission that the application judge did not adequately explain why he concluded that the additional circumstances he identified outweighed the four mandatory factors favouring detention.

[95] The application judge recognized that, even where the four factors listed in s. 515(10)(c) favoured detention, that result does not inevitably follow. Adopting

the standard of a reasonable person, he concluded that the decision to release Mr. Paradkar would not cause a loss of confidence in the administration of justice. Among other things, a reasonable person would recognize the primacy of the presumption of innocence and the constitutional guarantee of reasonable bail unless there is just cause for detention; Mr. Paradkar's incentive to comply with bail, because "any attempt to flee would permanently sever his ties with his wife and daughters"; Mr. Paradkar's reliable release plan with a lien on the entire value of his home; his age and serious health conditions; and that his safety cannot be assured in jail. I agree with the application judge that a reasonable person, fully informed of the facts, would recognize that bail decisions can be difficult and would find reassurance in the application judge's efforts to fully and carefully explain his conclusions. In view of the application judge's analysis and explanations, it cannot be said that he reached a clearly inappropriate decision based on his weighing of all the relevant factors.

b. The Alleged Material Changes in Circumstances

[96] Mr. Paradkar asserts that there have been three material changes in the relevant circumstances which justify his continued release on bail. First, he points to the fact that the ATP authorizes the Attorney General to seek his extradition in respect of only one offence: the conspiracy to commit murder charge. He asserts that, given the narrowing of the charges in the ATP, the strength of the case for

committal has weakened, such that his release pending committal is even more justified now than it was when the bail application was decided.

[97] Second, he points to the fact that Ryan Wedding surrendered on January 22, 2026 in Mexico and is presently in custody in the U.S. He asserts that this development removes the possibility that the Wedding DTO would assist in his flight.

[98] Third, Mr. Paradkar relies on the fact that he has been on bail and complied with all conditions for the past several months, demonstrating that the regime of supervision has worked.

[99] The issue of whether the ATP results in a weakening of the case for extradition was argued before me, and strongly contested by the Attorney General. I admitted the ATP as fresh evidence largely because of its relevance to Mr. Paradkar's argument that the strength of the case for committal has weakened. However, in light of my conclusion that the application judge did not make any reviewable errors in his decision to release Mr. Paradkar on bail, it is unnecessary and would be unwise for me to determine whether the ATP, or the other developments relied on by Mr. Paradkar, constitute material changes in circumstances that favour his continued release.

Disposition

[100] For these reasons, the bail review application is dismissed.

"K. van Rensburg J.A."