

**IN THE HIGH COURT OF FIJI AT SUVA**

In the matter of an application for bail  
pending trial.

**PAULA TAMANISAUTU**

**Applicant**

**CASE NO: HAM. 388 of 2018  
[HAC 53/2018]**

**Vs.**

**STATE**

**Respondent**

**Counsel** : Mr. J. Vulakouvaki for the Applicant  
Ms. S. Serukai for the Respondent

**Hearing on** : 12 February 2019


**Ruling on** : 20 March 2019

**RULING**

1. This is the second application for bail pending trial filed on behalf of the applicant. However, the first application had been abandoned by the applicant and accordingly dismissed. Therefore, this would be dealt with as the first application.
2. The applicant is charged with three counts of rape contrary to section 207 of the Crimes Act. Rape is an offence punishable with life imprisonment.
3. The substantive matter is fixed for trial from 29/07/19 to 02/08/19.

4. The respondent is objecting for bail stating that inter alia;
  - a) The prosecutrix is the stepdaughter of the applicant and therefore, the offences alleged to have been committed by the applicant amounts to domestic violence;
  - b) There is strong evidence against the applicant; and
  - c) There is high likelihood of interference of prosecution witnesses
  
5. Given that the applicant is alleged to have committed domestic violence offences, in terms of section 3(4)(c) of the Bail Act 2002 as amended by the Domestic Violence Act ("Bail Act"), the presumption in favour of bail provided under section 3(3) of the Bail Act is displaced in this case.
  
6. I am not convinced that the likelihood of the applicant interfering with the prosecution witnesses could be mitigated by imposing conditions given the relationship between the prosecutrix and the applicant. I am of the view that the safety of the prosecutrix is likely to be put at risk if the applicant is granted bail.
  
7. As I have noted above, the trial is scheduled to take place in four months.
  
8. After considering all relevant circumstances, I have concluded that this is not a fit case to grant bail to the applicant.
  
9. This application is therefore refused.



  
Vincent S. Perera  
**JUDGE**

**Solicitors:**

Jiten Reddy Lawyers, Barristers & Solicitors, Nakasi for the Applicant  
Office of the Director of Public Prosecutions for the State