

IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)

AT DAR ES SALAAM

MISCELLANEOUS CRIMINAL APPLICATION NO. 8 OF 2021

(Originating from Eco Case No. 67 of 2019 Kisutu RM'c)

ROSELYN KERENDI **APPLICANT**

VERSUS

REPUBLIC **RESPONDENT**

RULING

12th April, 2021

E. E. Kakolaki, J

The applicant has prayed this court to grant her bail in the case facing her which is pending in the Resident Magistrates Court of Dar es Salaam at Kisutu, Economic Case No. 67 of 2019. Before the trial court she is facing charges in three counts namely **Conspiracy to commit** an offence Contrary to Section 384 of the Penal Code [Cap. 16 R.E 2002] in the first count. In the second count it is **Fraudulent Evasion of Tax**, Contrary to Section 84(1) of the Tax Administration Act, no. 10 of 2015, whereas the third count is **Occasioning Loss to a specified Authority**, Contrary to paragraph 10(1) of the first Schedule to and Section 57(1) and 60(2) of the Economic and Organized Crime Act [Cap. 200 R.E. 2002].

In both second and third count the applicant is accused on 21st day of February 2019 within the city on Region of Dar es Salaam to have evaded payment of importation taxes and duties on one continue measured 40 feet of imported hanger bags to the tune of Tanzanian Shillings One Hundred Million Seven Hundred Thirty Nine Thousand Eight Hundred and Seventy Three (Tshs. 100,739,873) only thereby causing Tanzania Revenue Authority (TRA) to suffer a pecuniary loss of the above stated amount.

When the matter came for hearing the applicant who is in remand prison could not enter appearance as there was technical problem with the video conference facility. However, having noted that the respondent was not objecting the application the court decided to proceed with hearing in absence of the applicant. Submitting for the respondent, Ms. ESTAZIA WILSON, learned State Attorney informed the court that the application was not contested. However, prayed the court when exercising its discretion to grant the applicant with bail to be guided with the provisions Section 36(5) of the Economic and Organised Crime Control Act [Cap. 200 R.E 2019].

I have perused the applicant's affidavit in support of this application as well as considering the learned State Attorney's submission. In deed the court is satisfied that the offences with which the applicant is facing areailable and that there is every reasons for this court to grant her bail as prayed since the prayer is not contested as alluded to herein above. For those reason bail is hereby granted as prayed. The applicant has to comply with the following conditions:

1. The applicant is to deposit cash Tanzanian Shillings Fifty Million Three Hundred Sixty Nine Thousand Nine hundred Thirty Six and Five Cents

(Tshs. 50,369,936.5/=) being half of Tanzania Shillings One Hundred Million Seven Hundred Thirty Nine Thousand Eight Hundred and Seventy Three (Tshs. 100,739,873/=) only or the property equivalent to half of Tanzanian Shillings One Hundred Thirty Nine Thousand Eight Hundred and Seventy Three (Tshs. 100,739,873/=) and the rest of the amount be secured by execution of a bond in writing.

2. Applicant to provide two reliable sureties who are to execute a bond of Tshs. 20,000,000/= each, and to satisfy the court that they are employees of the Government or possess National Identity Card dully issued by NIDA with permanent residences in Dar es Salaam Region.
3. The applicant should not leave the jurisdiction of the trial court without permission from the Resident Magistrate.
4. Verification of sureties and bond documents be executed by the Resident Magistrates Court of Dar es Salaam at Kisutu.
5. The applicant to surrender her passport and/ or any other travelling documents (if any) to the Resident Magistrates Court of Dar es Salaam at Kisutu.

It is so ordered.


E. E. Kakolaki
JUDGE



12/04/2021