

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
THE CORRUPTION AND ECONOMIC CRIMES DIVISION
AT SONGEA**

MISC. ECONOMIC CAUSE NO. 4 OF 2018

(Originating from Songea District Court Economic Case No. 11/2018)

JUMA SAID ALLY @ KALAMANI – MOJA BILA..... APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

MATOGOLO, J.

The applicant Juma Said Ally @ Kalamali- Mojabila is arraigned in the Court of Resident Magistrate Songea charged with unlawful possession of Government Trophy. It is alleged that on 19/04/2017 at Nalasi village within Tunduru District the applicant was found possessing one piece of elephant tail valued at Tshs. 33,555,000/= property of the Government of the United Republic of Tanzania without any permit. The applicant has filed this application by way of chamber summons under S. 29 (4) (d) , S. 36 (1) of the Economic and Organized Crime Control Act, [Cap. 200 R.E 2002] and Article 13 (6) (b) of the Constitution of the United Republic of Tanzania of 1977. The application is supported by an affidavit of the applicant himself.

At the hearing the applicant was represented by Mr. KaukuyaYusuph Kaukuya learned advocate. While M/s. Hellen Chuma learned State Attorney appeared for the respondent. In support of the application Mr. Kaukuya learned advocate submitted that the applicant is charged with unlawful possession of Government Trophy, the offence which is bailable one.

The applicant has reliable sureties residents of Tunduru District who are willing to stand bail for him and he will not jump bail. Mr. Kaukuya prayed to this court to released the applicant on bail.

On her part Ms. Hellen Chuma learned State Attorney who appeared for the Republic/Respondent did not object bail to the applicant, that is why they did not file counter – affidavit. She only prayed to this court to prescribe bail conditions which will enable the applicant to continue attending to his case where as the Republic will get opportunity to prove the offence.

I have heard what the learned advocate Mr. Kaukuya and what Ms. Hellen Chuma learned State Attorney have submitted. The respondent essentially did not object bail. The charged offence is bailable one. The law does not prohibit bail for offences of this nature. There is no any other

reasons availed to this court which will make this court deny bail to the applicant. Above all the cited provisions, S. 29 (4) (d) and S. 36 (1) of the Act cited by the applicant in the chamber summons are proper provisions which have moved this Court to consider and determine the application. Having stated so as above, I grant the application, the applicant may be released on bail upon fulfilling the following conditions;

1. The applicant has to pay cash deposit in court Tshs. 16,777,500/= being half of the value of the property involved in the charge. Alternatively, the applicant has to deposit Title Deed of immovable property or any other form of acceptable evidence of ownership for unregistered immovable property. Evidence should be from the local authority of the area where the immovable property is located. The immovable property must be free from any encumbrances whatsoever with the establish value as indicated above.
2. The applicant must produce two reliable sureties residents of Ruvuma Region who shall sign a bond of Tsh 10,000,000/=each. The sureties must have a fixed abode and possessing immovable properties.

3. The applicant shall not leave Ruvuma Region without Prior permission from the Resident Magistrate incharge of Ruvuma RM's Court.
4. The applicant has to report to the RCO Ruvuma every Friday of the second week of the month.
5. The applicant has to surrender to the RCO Ruvuma his passport or travelling documents, if any.
6. The applicant shall continue to attend to his case on every scheduled date without fail.
7. The Deputy Registrar H/C Court Songea shall approve the sureties and all bail documents before the applicant is released on bail.

Ordered accordingly.




F. N. MATOGOLO

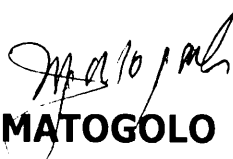
JUDGE

05/04/2018

Court:

Ruling delivered today the 5th day of April, 2018 in the presence of the applicant and his advocated Mr. Kaukuya and in the presence of Ms. Hellen Chuma leaned state Attorney.




F. N. MATOGOLO

JUDGE

05/04/2018