

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

**MISC. ECONOMIC CAUSE NO. 5 OF 2018**

(Originating from Tunduru District Court Economic Case No. 01/2018)

<b>1. SELEMANI KASDA MALINGA.....</b>	}	<b>APPLICANTS</b>
<b>2. AHAMAD BANDA KALANJE.....</b>		
<b>3. ISAYA KINYWFU MGAO.....</b>		

**VERSUS**

**THE REPUBLIC ..... RESPONDENT**

**RULING**

**MATOGOLO, J.**

This ruling is in respect of miscellaneous economic cause No.5/2018 filed by the applicant praying for bail. The application is by chamber summons brought under S. 29 (4) (d) S. 36 (1) of the Economic and Organized Crime Control Act, [ Cap. 200 R. E. 2002] (The Act) and Article 13 (6) (b) of the constitution of the United Republic of Tanzania. It is supported by an affidavit taken by KaukuyaYusuph Kaukuya, the applicants advocate. The applicants have come to this court with this application for bail because they were not granted bail by the district court of Tunduru in which the applicant were arranged charged with the offence of unlawful

possession of Government Trophy. It is alleged that on 1<sup>st</sup> day of March, 2018 at about 19.10 hrs at Namakambale village with Tunduru District, the applicants were found possessing two elephant Tusks valued at Tsh.33,795,000/= the property of the Government of the United Republic of Tanzania without any valid Permit. Before this court they are represented by Mr. KaukuyaYusuph Kaukuya learned advocate. Ms. Hellen Chuma learned State Attorney appeared for the respondent.

In arguing the application Mr. Kaukuya Prayed for their affidavit to be a adopted and prayed to this court to released the applicants on bail. That the charged offence isailable one. The applicants are residents of Tunduru District and have reliable sureties who will stand bail to them. On her part Ms. Hellen Chuma learned State Attorney did no resist the application, she only asked this court after grant bail to the applicants to impose bail Conditions which will procure their attendance to the Case facing them.

Having heard both the learned advocate for the applicants and the learned State Attorney for the respondent who did not object bail and having gone through the bail documents, the chamber summons and affidavit, there is no doubt than with the provisions cited, this court is

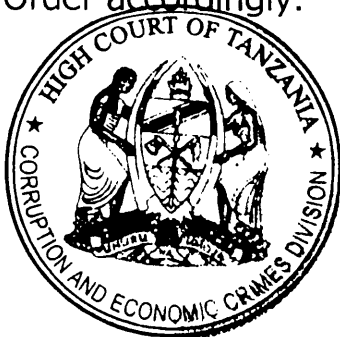
properly moved, only that it was unnecessary to cite Article 13 (6) (b) of the constitution because the specific provisions sections 29 (4) (d) and 36 (1) of the Act which cater for bail application in economic cases were cited. However that alone does not the application. As the offence which applicants are facing is bailable. And as there is no any objection raised by the respondent. And given that there are no any reasons availed to this court warranting denial of bail. I grant the application. The applicants may be released on bail upon fulfilling the following conditions;-

1. Given that the value of the property involved in the charge is Tsh 33,795,000/= which is above ten million shillings, the applicants have to pay cash deposit in court equal to half of that amount divided to three applicants pursuant to S. 36 (5) (a) of the Act. that is each applicant has to pay 5,672,500/=. Alternatively the applicant have to deposited in court immovable properties of value not less than half of Tsh. 33,795,000/= divided to three applicants. The immovable property must have proof of ownership by depositing in court Title Deeds. For registered immovable property or evidence of ownership from the local authority of the area where the immovable property is

located. The immovable property must be free from any encumbrances whatsoever.

2. Each applicant has to produce two reliable sureties residents of Ruvuma region and who possess immovable properties located within Ruvuma Region who each will sign a bond of Tsh. 5,000,000/=
3. The applicants shall not leave Ruvuma Region without Prior permission by the Resident Magistrate in charge of Tunduru district court.
4. The applicant have to report the OCCID Tunduru once in month on Friday of the second week.
5. The Deputy Registrar has to approve the sureties and bail documents before the applicant are released on bail

Order accordingly.



  
**F.N. MATOGOLO,**

**JUDGE**

**05/4/2018**

**Court:**

Ruling delivered today the 5<sup>th</sup> day of April, 2018, in the presence of the applicants, their advocate Mr. Kaukuya and in the presence of Ms. Hellen Chuma learned State Attorney.



  
**F.N. MATOGOLO**  
**JUDGE**

**05/04/2018**