

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

**MISC. ECONOMIC CAUSE NOS. 6,7,AND 8 OF 2018  
CONSOLIDATED**  
(Originating from Songea District Court Economic Case No. 6/2018)

**ALYOCE MBUNDA AND TWO  
OTHERS..... APPLICANTS**

**VERSUS**

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

**RULING**

**MATOGOLO,J.**

AloyceMbunda, Jonas David Mbunda, Christoper Michael and Alanus Aloyce Mwabena were arraigned in the district court of Songea Charged with three counts. In the first count the first three are charged with damaging property used for providing a necessary service. It is alleged that on 05/03/2018 at Ruhila, Seed Farm Ward within Songea Municipality, they unlawfully damaged by cutting and removing telecommunication transmission cables weighing 38:100 kilograms and valued at Tshs. 26,000,000/= property of Tanzania Telecommunicationcorporation limited (TTCL) . In the second count the three are charged with occassioning loss

to a specified authority by cutting and damaging the above mentioned cables.

The third count which is an alternative count, they are charged with being found with properties suspected of having been stolen. They were found in possession of transmission cables above mentioned valued at 26,000,000/=. The fourth count is in respect of Alanus Aloyce Mwabena, the 4<sup>th</sup> accused which is leading organized crime in which it is alleged that between January and March 2018 within Songea municipality financed a business of a criminal racket by unlawfully buying TTCL telecommunication Transmission cables at Tsh. 4000 – 5000/= per kilogram from the other three with intent to reap profit.

AloyceMbunda Jonas DaudiMbunda and Christopher Michael each filed to this court separation application for bail. These applications Misc. economic cause No. 6/2018 Misc. Economic cause No. 7/2018 and Misc.Economic cause No. 8/2018 for AloyceMbunda, Jonas Daud Mbunda, and Christopher Michael respectively.

The three applications were consolidated and heard in Misc. Economic cause no 6/2018. The applicants Aloyce Mbunda, Jonas Daudi Mbunda and Christopher Michael were referred as first, second and third applicant

respectively. The application is by chamber summons accompanied by the applicants affidavits.

At the hearing the applicants appeared in person, unrepresented Ms. Hellen Chuma learned State Attorney appeared for the respondent/Republic. The applicants pray for bail so that they can continue to attend their case at the district court while on bail.

Ms. Hellen Chuma learned State attorney essentially did not object bail to the applicants, she only prayed to this court to impose conditions which will procure attendance of the applicants at their trial where the prosecution will get opportunity to prove the charges against the applicants without any problem. Having gone through the chamber summons and the accompanying affidavits of the applicants in which they stated the grounds for their application and having heard from them and from the learned State Attorney who did not resist the application, this Court is properly moved by the provisions cited by the applicants, particularly S. 29 (4) (d) and S. 36 (1) of the Act. The offence which the applicants are charged are available one. There are no any other reasons availed to this court warranting denial of bail to the applicants.

That said, I grant the application. The applicants may be released on bail upon fulfilling the following conditions;

1. Given that the value of the involved property is Tshs. 26,000,000/= thus above ten million shillings. the applicants have to deposit in Court cash half of that amount. But which will be shared among the three applicants under the principle of sharing. Each applicant has pay cash deposit of Tsh 4,340,000/=. Alternatively, each applicant has to deposit Title Deed of immovable property of value not less than Tshs. 4,340,000/= The immovable property must be located within Ruvuma Region. The same should be free from my incumbrances whatsoever. For unregistered immovable property, the applicants haveto furnish acceptable evidence of ownership from the local authority where the properties are located. And there must be proof of value the property.
2. Each applicant has to produce two reliable sureties resident of Ruvuma Region with fixed abode and who possess immovable property each of the sureties will sign a bond of Tsh 5,000,000/=
3. The applicants shall not leave Ruvuma Region without permission from the Resident Magistrate incharge of Ruvuma RM'S Court
4. The applicants have to report to the RCO Ruvuma twice in a month on Mondays of the first and third week.

5. The Deputy Registrar Songea shall approve the sureties and bail documents, before the applicants are released on bail.
6. The applicants have to continue to attend to their case on the dates scheduled without fail.



Order accordingly.

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

**05/04/2018**

## **COURT**

Ruling delivered today in the presence of the applicants, and in the presence of Ms. Helen Chuma learned State Attorney.



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

**05/4/2018.**