

**IN THE HIGH COURT OF TANZANIA
CORRUPTION AND ECONOMIC CRIMES DIVISION**

AT SONGEA

MISC. ECONOMIC CAUSE NO. 9 OF 2018

**(Originating from Tunduru District Court Economic Case No.
9/2017)**

ALEX ALEX @ MKINA APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

MATOGOLO, J

Alex Alex @ Mkina, the applicant in this application has filed this application for bail. He is arraigned in the District Court of Tunduru with an offence of unlawful possession of Government Trophy that is 12 pieces of elephant tusks valued at Tshs. 100,845,000/= the property of the Government of Tanzania without any valid permit.

The application is by chamber summons made under section 29(4)(d) and section 36(1) of the Economic and Organized Crime Control Act, Cap. 200 R.E. 2002. It is accompanied by an affidavit deposed by the applicant himself.

At the hearing, the applicant appeared in person, Mr. Medalakini Emmanuel, learned State Attorney appeared for the respondent. the applicant stated that on 30.11.2017 he appeared before Tunduru District Court charged with unlawful possession of Government Trophy that is six pieces of elephant tusks. He said the charged offence is bailable and this court has jurisdiction to entertain the application. He was told that the District Court of Tunduru has no jurisdiction to entertain the application. He has reliable sureties and that his health condition is not good, he need to get treatment while out on bail and promised to abide to the bail condition which this court will impose.

On his part Mr. Medalakini Emmanuel, learned State Attorney did not object bail provided that this court prescribes conditions which will ensure attendance of the accused to his case.

I have gone through the bail documents that is chamber summons and affidavit. It is obvious that the application is properly before this court. Sections 29(4)(d) and 36(1) of the Economic and Organized Crime Control

Act, are proper enabling provision for bail for the charged offence. But the applicant was also supposed to cite Act No. 3 of 2016 as an amendment Act to Cap. 200. However omission to cite it does not render the application incompetent.

Given that the charged offence is bailable and as there is no any objection to bail by the respondent, furthermore there is no any other fact availed to this court warranting denial of bail, the application is hereby granted. The applicant may be release on bail upon fulfilling the following conditions:-

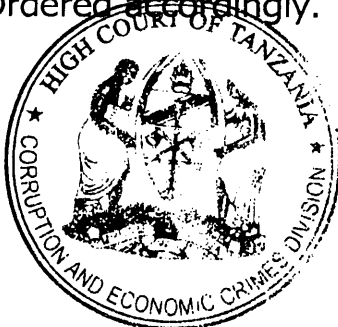
1. The value of the property involved is Tshs. 100,845,000/=. The applicant has to pay in court cash deposit of Tshs. 50,422,500/= being half of the value of the property involved pursuant to section 36(5) of the Act.

IN ALTERNATIVE,

The applicant has to deposit title deed of immovable property or any other acceptable evidence of ownership of that immovable property from the recognized Government official. The immovable property must be of value not less than 50,422,500/= located within Ruvuma Region.

2. The applicant shall provide two reliable sureties residents of Ruvuma Region with recognized place of abode who each will sign bond of Tshs. 10,000,000/=.
3. The applicant shall be reporting to the OC CID of Tunduru Twice in a month on the Mondays of first and third week.
4. The applicant shall not leave jurisdiction of the District Court of Tunduru without prior permission by the Resident Magistrate Incharge of the District Court of Tunduru.
5. The Resident Magistrate Incharge of Tunduru District Court shall approve the sureties and all bail documents before the applicant is released on bail.
6. The applicant must make sure that he attends in court on every scheduled date without fail.

Ordered accordingly.



F.N. Matogolo
F.N. MATOGOLO

JUDGE

16/07/2018

COURT:

Ruling delivered today this 16th day of July, 2018 in the presence of the accused and in the present of M/s Jenerosa learned, State Attorney.




F.N. MATOGOLO

JUDGE

16/07/2018