

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

**AT SONGEA**

**MISC. ECONOMIC CAUSE NO.10 OF 2018**

**(Originating from Namtumbo District Court Economic Case No.  
13/2018)**

**YAZIDU ATHUMAN @ KATOMA ..... APPLICANT**

**VERSUS**

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

**RULING**

**MATOGOLO, J**

The afficant Yazidu Athuman @ Katoma is charged in the District Court of Namtumbo with the offence of unlawful possession of Government Trophy. It is alleged that he was found possessing two elephant tusks valued at Tshs. 33,000,000/= . The property of the Government of Tanzania without any permit. He has come to this court with his application

for bail. 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, and Article 13(6)(b) of the United Republic of Tanzania Constitution. The chamber summons is accompanied by an affidavit taken by the applicant's himself.

At the hearing, the applicant appeared in person, unrepresented. Mr. Medalakini Emmanuel learned State Attorney appeared for the respondent. The applicant prayed to be released on bail as he has sureties to bail him out and promised to abide with bail conditions to be prescribed by this court.

On his part Mr. Medalakini Emmanuel learned State Attorney did not object to the application. He only prayed that this court impose bail conditions which will ensure attendance of the applicant in court.

I have gone through the application documents filed by the applicant. There is no doubt that the application is proper before this court for the cited enabling provisions only that Article 13(6)(b) of the constitution is not among the enabling provisions for bail application.

As the offence which the applicant is charged isailable one, and as there is no any objection on part of the respondent, the application is

hereby granted. The applicant may be released on bail upon fulfilling the following conditions:-

1. The applicant has to pay cash deposit in court Tshs. 16,500,000/= being half of the amount involved that is Tshs. 33,000,000/= pursuant to section 36(5) of the Economic and Organized Crime Control Act.

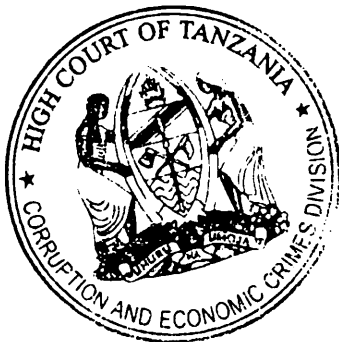
**ALTERNATIVELY**

The applicant has to deposit title deed of immovable property or any other form of evidence of ownership. The immovable property must be located within Ruvuma Region of value not less than Tshs. 16,500,000/=.

2. The applicant shall furnish two reliable sureties residents of Ruvuma Region. Each shall sign a bond of Tshs. 5,000,000/=.
3. The applicant shall not leave jurisdiction of Namtumbo District Court without prior permission by the Resident Magistrate In charge of Namtumbo District Court.
4. The applicant shall report to the OCCID Namtumbo twice in a month on the Fridays of the first and third week.
5. The Resident Magistrate Incharge of Namtumbo District Court shall approve the sureties and all bail documents including deposit of

cash or immovable property before the applicant is released on bail.

Ordered accordingly.



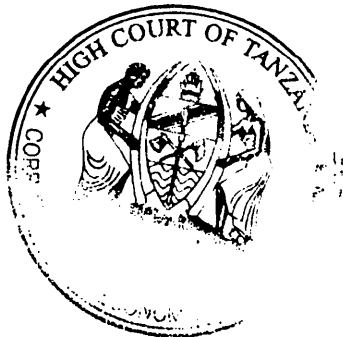
  
**F.N. MATOGOLO**

**JUDGE**

**16/07/2018**

**COURT:**

Ruling delivered this 16<sup>th</sup> day of July, 2018 in the presence of the applicant, and in the presence of Jenerosa Montano learned State Attorney.



  
**F.N. MATOGOLO**

**JUDGE**

**16/07/2018**