

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

**AT SONGEA**

**MISC. ECONOMIC CAUSES NO. 11 & 16 OF 2018 CONSOLIDATED**

**(Originating from Namtumbo District Court Economic Case No.  
14/2018)**

**SAID YASIN LIMBENDELA & ANOTHER..... APPLICANT**

**VERSUS**

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

**RULING**

16.7.2018 & 17.7.2018

**MATOGOLO,J**

Rutumbo Omary Rutumbo and Said Yasin Limbendera, were brought before the District Court of Namtumbo charged with the offence of unlawful possession of Government Trophy C/S 86 (1)(2) (ii) of the wildlife conservation Act, No. 5/2009 read together with paragraph 14 of the first

schedule, section 57(1) and section 60(2) of the Economic and Organized Crime Control Act, Cap 200 R.E. 2002 as amended by Act No. 3 of 2016. It was alleged that on 8<sup>th</sup> day of February, 2018 at Songambe Village within Namtumbo District Ruvuma Region, were found in unlawful possession of Government Trophy that is four pieces of elephant tusks valued at Tshs. 67,530,000/= property of the United Republic of Tanzania.

Each applicant filed an application for bail to this court. Rutumbo Omary Rutumbo filed an application which was registered as Miscellaneous Economic Cause No. 11/2018. The application by Said Yasin Limbendera was registered as Miscellaneous Economic Cause No. 16/2018.

On 16.07.2018 both applications came for hearing. For convenience and quick disposition, the two applications were consolidated and heard as one in the record of Miscellaneous Economic Cause No. 16/2018.

At the hearing, the applicants appeared in person, unrepresented. Mr. Medalakini Emmanuel learned State Attorney appeared for the respondent. In their submissions they made, each of the applicants stated that they are praying for bail because the offence they are facing is bailable. That this court has jurisdiction to hear their application. That they have reliable sureties. They also promised not to jump bail.

Rutumbo Omary Rutumbo also said he need to get proper treatment while out on bail as on the date of his arrest he was severely beaten up. On his part Mr. Medalakini Emmanuel learned State Attorney did not objection bail to the applicants. He only prayed to this court to prescribe bail conditions which will insure attendance of the applicants in court.

Having heard the parties, and going through the relevant bail documents, that is chamber summons and affidavits, there is no doubt that the application is proper before this court. The cited provisions that is section 29(4)(d) and section 36(1) of the Economic and Organized Crime Control Act, are proper provisions except Article 13(b) of the constitution was cited unnecessary because it is not among the enabling provisions in applications for bail.

Even though, that does not render the application incompetent. There is no any objection of bail from the respondent as amply submitted by Mr. Medalakini. There is no any other fact availed to this court warranting denial of bail to the applicants.

I the circumstances, I grant the application. The applicants may be released on bail upon fulfilling the following conditions:-

1. Each applicant shall pay in court cash deposit of Tshs. 16,882,500/= being half of the value of the property involved divided between the two applicants under the principle of sharing.


**ALTERNATIVELY**

Each applicant shall deposit title deed of immovable property or any other form of acceptable evidence of ownership of that immovable property from the recognized Government officials for unregistered immovable property. The immovable property shall be of value not less than Tshs. 16,882,500/=:, located within Ruvuma Region.

2. Each applicant shall furnish two reliable sureties residents of Namtumbo District and of recognized place of abode who each will sign a bond of Tshs. 5,000,000/=.
3. The applicants shall not leave the jurisdiction of Namtumbo District Court without permission from the Resident Magistrate Incharge of Namtumbo District Court.
4. The applicant shall be reporting to the OCCID of Namtumbo District twice in a month on every Monday of the first and third week.

5. The applicants shall make sure that they continue to attend in court on every scheduled date without fail.
6. The Resident Magistrate Incharge of Namtumbo District Court shall approve the sureties and all bail documents before the applicants are released on bail.


Ordered accordingly.

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

**17/07/2018**

**COURT:**

Ruling delivered today the 17<sup>th</sup> day of July, 2018 in the presence of the applicants and in the presence of Jenerosa Montano learned State Attorney.

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

**17/07/2018**