

**IN THE HIGH COURT OF TANZANIA  
(DAR ES SALAAM DISTRICT REGISTRY)  
AT DAR ES SALAAM**

**MISC. CRIMINAL APPLICATION NO. 102 OF 2020**

*(Originating from Economic Crime Case No. 04 of 2020, pending in the  
District Court of Kinondoni)*

**BEN BONIFASI ..... 1<sup>ST</sup> APPLICANT**  
**ASKOFU KONONGO ..... 2<sup>ND</sup> APPLICANT**  
**MICHAEL ULIRIKI TARIMO ..... 3<sup>RD</sup> APPLICANT**  
**GODFREY MASELO MAHENDE ..... 4<sup>TH</sup> APPLICANT**  
**NOEL GEORGE MWAKYOMA ..... 5<sup>TH</sup> APPLICANT**

*VERSUS*

**THE REPUBLIC (DPP) ..... RESPONDENT**

**RULING**

*Date of Last Order: 06<sup>th</sup> July 2020*

*Date of Ruling: 06<sup>th</sup> July 2020.*

**E. E. Kakolaki, J**

This is an application for bail by the applicants preferred under S. 29(4)(d) and 36(1) of the Economic and Organized Crime Control Act [Cap. 200 R.E. 2002] as amended by Written Laws (Misc. Amendment) Act No. 3 of 2016 and any other enabling law. It is supported by the joint affidavit sworn by all five applicants.

The applicants in this application were arraigned before the District Court of Kinondoni, facing charges on two counts. The first Count is Unlawful Possession of Fire Arm contrary to section 20(1)(a) and (2) of the Firearms and Ammunition Act No. 2 of 2015 read together with paragraph 31 of the first schedule to and section 57(1) and 60(2) of the Economic and organized crime control Act [Cap. 200 R.E. 2002] as amended by Written Laws Miscellaneous Amendment Act by section 16 of the written Laws (Miscellaneous Amendments) Act No. 3 of 2016. The second count is of Unlawful Possession of Ammunition contrary to section 4(1) and 34(1)(2) of the Firearms and Ammunitions Act, [Cap. 223 R.E 2002].

On the first count it is alleged that on 05/11/2018 at Sinza kwa Remmy area within Kinondoni District in Dar es Salaam Region, the applicants were found in possession of fire arm make Brown caliber 6.35 mm without serial number, whereas in the second count it is alleged on the same date and place the applicants were also found in possession of 6 live ammunitions caliber 6.35 mm.

When the matter came for hearing before me on 05/07/2020 all applicants presented themselves before the court unrepresented whereas the Republic (Respondent) was represented by Ms. Jacqueline Werema learned State Attorney. When called to argue the application the 5<sup>th</sup> applicant was appointed by his fellow applicants to argue on their behalf. He informed the court that the applicants were praying for grant of bail as the offences with which they are charged with are bailable. Ms. Werema for the respondent from the outset notified the court that the respondent was not objecting to the grant of the application.

In determining this application the court relied on the applicant's affidavit. In paragraphs 3 to 7 of their affidavit Applicants stated that the economic offences with which they are facing are bailable. And that, they are ready to comply with the terms and conditions of bail to be set by this court and that they have fixed abode in the United Republic of Tanzania as well as reliable sureties should their bail be granted. They therefore prayed this court to grant the application as prayed in the chamber summons.

As intimated earlier Ms. Werema learned State Attorney for the respondent informed the court that having gone through the applicant's affidavit and its annexures she is satisfied that the offences with which the accused are charged with are bailable. And for that matter the respondent does not object to the grant of the application.

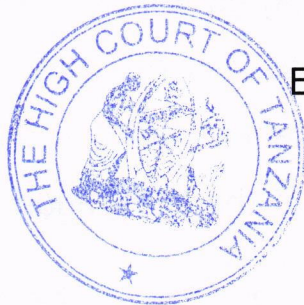
Having perused the application and its annexure and having considered learned State Attorney's submission it is evident to the court that the offences facing the accused persons/applicants are bailable. As the grant of the application is not contested, this court is hereby granting the same as prayed. The applicant has to comply with the following conditions:

1. Each applicant to sign a bail bond to the tune of Tshs. 5,000,000/=.
2. Each applicant to provide two reliable sureties who are to execute a bond of Tshs. 5,000,000/= each, and sureties are to be either employees of the Government or should possess a National Identity Card issued by NIDA and should be residents of Dar es salaam Region.
3. The applicants should not leave the jurisdiction of the court without permission from the District Court of Kinondoni, Dar es Salaam.

4. The applicants to report to the Regional Crimes Officer for Dar es Salaam Region according to the schedule to be prescribed by him.
5. Verification of sureties and bond documents to be executed by the Resident Magistrate, District Court of Kinondoni, Dar es Salaam.
6. The applicant to surrender his passport and any other travelling documents to the District Court of Kinondoni Dar es Salaam.

It is so ordered.

DATED at DAR ES SALAAM this 06<sup>th</sup> day of July, 2020.



  
E.E. KAKOLAKI

**JUDGE**

06/07/2020

At 12.35 pm.

Ruling delivered today 06<sup>th</sup> day of July, 2020 in the presence of all applicants, Ms. Jacqueline Werema, State Attorney for the Respondent and Ms. Monica Msuya, Court clerk.



  
E.E. KAKOLAKI

**JUDGE**

06/07/2020