

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

AT DAR ES SALAAM

MISCELLANEOUS CRIMINAL APPLICATIONS NO.253 OF 2019

(Originating from Criminal Case No. 36 of 2019 in the Resident Magistrate Court of Dar
Es Salaam at Kisutu)

1. Michael Kalinga

2. Ismail Abdul Jongo @ SumaAPPLICANTS

VERSUS

THE REPUBLICRESPONDENT

RULING

Date of Last Order: 10.02.2020

Date of Ruling: 19.02.2020

Ebrahim, J:

The applicants herein are charged with the two counts vide Economic Crime Case No. 56 of 2019 in the Resident Magistrate's Court of Dar Es Salaam at Kisutu. One, interference with necessary service contrary to paragraph **20(1),(2)(b) and (3) of the First Schedule to and Section 57(1) and 60(2) of the Economic and Organized Crime Control**

Act, Cap 200 RE 2002 as amended. Two, Occasioning loss to a specified authority contrary to **paragraph 10(1) of the First Schedule to and Section 57(1) and 60(2) of the Economic and Organized Crimes Control Act, Cap 200 RE 2002.** It is alleged that the applicants had on 8th June 2019 at Sinza area within Kinondoni District, Dar Es Salaam Region interfered with Tanzania Telecommunication Services by unlawfully cutting the service cable wires. The unlawful act caused Tanzania Telecommunications Company Limited (TTCL) to suffer loss of Tshs. 191,861,240/- (say Tanzania Shillings One hundred ninety one million, eight hundred sixty one thousand and two hundred and forty only). The application is made under **Section 29(4) (d) of the Economic and Organised Crimes Control Act, Cap. 200 R.E 2002 (the Act).** The application is supported by the joint affidavit of Michael Kalinga and Ismail Abdul Jongo @ Suma, the applicants.

At the hearing of this application, the applicants appeared in person; and the respondent preferred the services of Ms. Debora Mcharo, learned State Attorney.

Both applicants prayed to be availed bail with lenient conditions.

Ms. Debora Mcharo, learned State Attorney had no objection to the prayers.

Further the law i.e. **Section 29(4) (d) of the EOCCA, CAP 200 RE 2002**, vests this court with jurisdiction to determine bail application. Again **Section 36(1) of the Act** gives this Court mandate either on its own motion or upon application subject to other provisions of the Act to admit an accused person to bail. **Section 36 (5) and (6) of the same Act** provides for bail conditions where the court decides to admit an accused person to bail.

The offences that the applicants are charged with are bailable and both applicants have averred at para 5 and 6 of the affidavit that they have reliable sureties whom are able and ready to ensure their court appearance at Kisumu Resident Magistrate's Court.

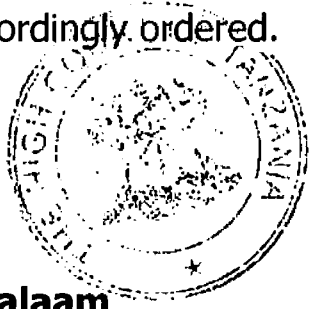
From the above background and pursuant to the above provisions of the law; I proceed to grant bail on the following conditions;

- (1) That the each applicant shall deposit in court a sum of Tshs.48,000,000/- million in cash (say Tanzanian shillings Forty Eight Million only) Or in the alternative shall deposit to the

custody of the court, a title deed of an immovable property to the equivalent amount.

- (2) That each applicant shall be required to provide two reliable sureties who shall each surety be required to execute a bond of TZS 5,000,000/- each (say Tanzania Shillings Five Millions only) and shall ensure the applicant's attendance to court.
- (3) That the applicants shall be duty bound to appear in Court on all dates that shall be scheduled by the Court in Economic Case No. 36/2019 pending at Kisutu Resident Magistrate's Court.
- (4) That, the applicants shall immediately surrender their passports or any travelling documents in their names to Principal Resident Magistrate In Charge at Kisutu Resident Magistrate's Court.
- (5) That, the applicants shall report to the Principle Resident Magistrate in charge at Kisutu Resident Magistrate's Court one very first Monday of the month.
- (6) That, the applicants are hereby restricted to move outside the jurisdiction of this Court (High Court) without prior permission of the Magistrate assigned with the case.
- (7) Bail conditions to be ascertained/ verified by the Magistrate assigned with the case within 24 hours after the issuance of this order.

Accordingly ordered.



A handwritten signature in black ink, appearing to read 'R.A. Ebrahim'.

R.A. Ebrahim

Judge

Dar Es Salaam

19.02.2020