

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**  
**(IRINGA DISTRICT REGISTRY)**  
**AT IRINGA**

**MISC. ECONOMIC APPLICATION. 45 OF 2019**  
(Originating from Iringa District Court of Iringa  
Economic Case No. 23 of 2019)

|   |                                 |
|---|---------------------------------|
| <b>BENEDICT S/O TIBEL KAZINGA -----</b> | <b>1<sup>ST</sup> APPLICANT</b> |
| <b>GEORGE S/O ERENESTO @ BWADE ---</b>  | <b>2<sup>ND</sup> APPLICANT</b> |
| <b>VERSUS</b>                           |                                 |
| <b>THE REPUBLIC -----</b>               | <b>RESPONDENT</b>               |

**RULING**

**MATOGOLO, J.**

This is an application by the two applicants Benedict Tibel Kalinga and George s/o Erenesto @ Bwade in which they are praying for bail. The two are jointly charged before the District Court of Iringa with a total of five counts; three counts for unlawful possession of Government Trophies, one count for unlawful entry into the National Park and one count for unlawful entry into the National Park with weapons.

The Government Trophies which the applicants were found possessing are 136 Dove valued at 31,265,856/= Great Kudu meat valued at Tshs. 5,057,712 and 9 Guinea Fowls valued at Tshs. 3,103,596.

Ms. Veneranda Masai learned State Attorney who appeared for the Republic did not object bail. The offences which the accused persons stand charged are bailable one. There is no any other reason availed to this court for it to withhold grant of bail. That being the case, and due to the fact that bail is the constitutional right to the applicants I grant the application.

The applicants may be released on bail upon fulfilling the following conditions.

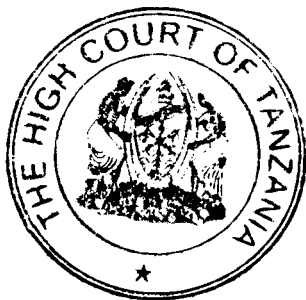
*1. Given that the total value of the Government Trophies applicants were found possessing exceeds ten million shillings, they have to deposit in court cash equivalent to half of the value of the subject matter. The total value of the Government Trophies applicants were found possessing in Tshs 39,427,164. The applicants therefore shall deposit cash in court Tshs 19,713,582. But as they are two jointly charged. That amount will be shared between the two under the principle of sharing laid down in the case of **Silvester Hilu Dawi vs. The Director of Public Prosecutor**, Criminal Appeal No. 250 of 2006, CAT at Dar es Salaam (unreported). Thus each applicant will deposit in court cash amounting to Tshs. 9,856,791.*

**ALTERNATIVELY**, *Each applicant has to deposit Title Deed or any other form of recognized evidence of ownership of immovable property of value not less than Tshs. 9,856,791/=*

*the immovable property must be located within Iringa District. The other half will be executed by signing a bond.*

2. Each applicant must produce two reliable sureties and each surety shall sign bail bond in the sum of 4,000,000/= The sureties must be residents within Iringa District with recognized place of abode and must have National ID or letter of introduction from their local leaders.
3. The applicants shall not leave Iringa Region without first obtaining permission from the Deputy Registrar.
4. The applicants shall continue to attend to their case on the date and time scheduled.
5. The Deputy Registrar shall verify the sureties and all bail documents before the applicants are released on bail

Order accordingly.



  
**F. N. MATOGOLO**

**JUDGE**

**25/03/2020**