

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF ARUSHA

AT ARUSHA

MISC. CRIMINAL APPLICATION NO 48 OF 2020

(C/F ECONOMIC CRIMES CASE NO. 04 OF 2020)

JAMES S/O HEREN @ MFANGAVO.....APPLICANT

VERSUS

REPUBLIC.....REPUBLIC

RULING

18/11/2020 & 25/11/2020

GWAE, J

In the Resident Magistrate's Court of Arusha at Arusha, the committing court, there is Economic charge leveled against the applicant, **James s/o Heren @ Mfangavo**. The Economic charge is in one count, namely; Interference with properties which are used for purposes of supplying necessary service contrary to paragraph 20 (1), (2) (a) and 3 (a) of the 1st schedule read together with section 57 (1) of the Economic and Organized Crimes Control Act, Cap 200 R.E. 2002.

The applicant is being alleged to have unlawfully interfere with Tanzania Telecommunication Corporation Limited (TTCL) properties by disconnecting and removing them from the TTCL Telecommunication tower which were used for

the purpose of supplying necessary service of communication to wit fourteen (14) batteries made Aggisan Solar Cycle 600A all total valued at **Tshs. 17,567,000/=**.

Following the fact that the amount of properties alleged to have been interfered with exceeds Tshs, 10,000,000/= (section **29 (4) (a)** of Cap 200), therefore hindering jurisdiction of the committing court in terms of entertaining an application for bail. The applicant has come to this court seeking grant of bail pending trial of the said Economic Crime Case. This application is brought under Section 29 (4) (d) and Section 36 (1) (4) (e) of the Economic and Organized Crime Act (supra) and Article 13 (6) (b) 15 (2) (a) of the Constitution of the United Republic of Tanzania, 1977.

The applicant's affidavit is to the effect that the offence to which he stands charged with is bailable serve for the value claimed which exceeds Tshs. 10,000,000/= and that the court to which the charges are pending has no powers to grant bail.

On 18.11.2020 when this application was brought before me for hearing, the applicant appeared in person, unrepresented while the respondent was represented by **Mr. Hatibu**, learned State Attorney who had no objection to the application. According to the wording of Section 29 (4) and 36 of the Act, the offences mentioned above are patently bailable subject to conditions as

stipulated under Section 36 (5) of the Act as amended by Section 10 of the Written Law (Miscellaneous Amendment) Act, No. 3 of 2016.

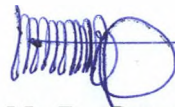
That being the position and taking into account that every accused person is presumed innocent till proved otherwise, the applicant is therefore granted bail on the following conditions pursuant to section 36 (5) of the Act:

1. Applicant shall deposit hand cash Tshs. **8,783,500/=** or any other immovable property with title deed alternatively immovable property with estimated value not below half the actual value of the properties involved by an authorized valuer
2. Applicant to have two sureties with introductory letters from the area of locality or from their employer(s)
3. The sureties shall sign a bail bond of Tshs, 8,000,0000/=
4. Each surety must have either Passport or National Identity or Driving License or Voter's Card and the sureties' particulars must be clearly recorded
5. The applicant is prohibited to leave the jurisdiction of this Court without a prior leave of the Court.
6. That, the applicant is to ensure that he does not commit any offence attracting a custodian sentence while on bail, in the event he

commits any offence he shall show cause why his bail should not be cancelled.

7. Ascertainment of bail conditions set forth with shall be done by the Deputy Registrar of the Court together with a State Attorney present.

It is so ordered,



M. R. Gwae

Judge.

25/11/2020

Court: Right of appeal explained in respect of the bail conditions set out herein above



M. R. Gwae

Judge.

25/11/2020

