

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF ARUSHA
AT ARUSHA**

MISCELLANEOUS CRIMINAL APPLICATIONS NO. 70 OF 2020

(C/F Economic Case No. 72 OF 2020 in the Resident Magistrate's Court of Arusha at Arusha)

ANDREW S/OMAUNGA @ KILENGA.....1ST APPLICANT
KARIM S/O KHAMIS.....2ND APPLICANT
JOHN S/O PETER TUMAINI.....3RD APPLICANT
JAMES S/O CHARLES MOSHI.....4TH APPLICANT
SOPHIA D/O MUSSA.....5TH APPLICANT
ERASTO S/O LISANIA MOLLEL.....6TH APPLICANT
GODFREY S/O MARTINE LAIZER7TH APPLICANT
JOSEPH S/O FARI @ HAYSHII.....8TH APPLICANT
ELIAS S/O HAMIS RAMADHANI.....9TH APPLICANT
SALVATORY S/O CASTORY MPMBURI.....10TH APPLICANT
RAMADHANI ADAM KOMBA.....11TH APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

24/12/2020 & 28/12/2020

GWAE, J

In the Resident Magistrates' Court of Arusha at Arusha, the applicants named above are charged with an economic offence to namely; leading organized

crime C/s paragraph 4 (1) (b) of the First Schedule to and section 57 (1) and 60 (2) of the Economic and Organized Crime Act (Cap 200 Revised Edition, 2019).

It is the allegation by the prosecution that on the 27th day of October 2020 within the City and District of Arusha in Arusha Region knowingly induced residents of bus stand, Mianzini area, Ngarenaro area, Sakina, Kibanda cha maziwa area, Sanawari area and Kaloleni area to engage in violence for the purpose of promoting the objectives of criminal racket.

The Court of Resident Magistrate of Arusha rightly denied the applicants grant of bail on the ground that the subordinate court has no jurisdiction to entertain bail applications where an economic offence involved does not indicate value in the charge sheet. Thus, the present application brought Article 108 (2) of the Constitution of the United Republic of Tanzania, 1977, section 29 (4) (d) of the Economic and Organized Crime Control Act Cap 200 Revised Edition, 2019 and section 148 (1) and (3) section 149 and 391 of the Criminal Procedure Act, (Cap 20 Revised Edition, 2019).

When this application was called on for hearing before me, **Mr. Hemed Hatibu**, the learned state attorney appeared representing the Republic whilst **Mr. Jebra Kambole** assisted by **Mr. Sheck Mfinanga** and **Miss Winfrida**, all learned advocates appeared for the applicants.

This application is not resisted by the respondent however Mr. Hatibu requested for bail conditions that shall ensure applicants' appearance whenever required to appear.

The applicants' chamber summons is accompanied with an affidavit of Jebra Kambole which is to the effect that the offence with which the applicants stand charged is bailable offence and that the applicants will not jump bail if granted the same.

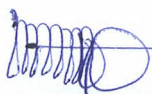
Basing on the fact that, the prosecution has not opposed this application in anyhow and that no reason which justifies this court to deny the applicants' bail pending investigation and trial of the case. It follows therefore, this application is grantable.

The applicants are therefore granted bail subject to fulfilment of the following conditions:

1. That, each applicant shall deposit hard cash Tshs. **10,000,000/=** or Other immovable property with title deed alternatively immovable property with estimated value not less than Tshs.10, 000,000/=.
2. Each applicant to have one reliable surety with an introductory letter from the area of locality or from his employer.

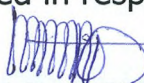
3. That, each applicant's surety shall also sign a bail bond in the tune of Tshs. **10,000,0000/=**.
4. That, each applicant's surety must have either Passport or National Identity or Driving Licence or Voter's Card and the sureties' particulars must be clearly recorded.
5. That, each the applicant has to ensure that he is a good citizen throughout the pendency of the case or he should not commit any offence punishable by custodial sentence otherwise bail granted may be cancelled by the court.
6. Bail conditions set herein above shall be ascertained by the Deputy Registrar of the Court together with a State Attorney present.

It is so ordered,


M.R. GWAE,
JUDGE.
28/12/2020

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




M.R. GWAE,
JUDGE.
28/12/2020