

**IN THE HIGH COURT OF TANZANIA
(DODOMA DISTRICT REGISTRY)
AT DODOMA**

MISC CRIMINAL APPLICATION NO. 99 OF 2020

In the matter of an application for

BAIL PENDING TRIAL

And

In the District Court Singida at Singida
Original Economic Crime Case No. 8 of 2020

JINGU EMMANUEL JACKSON & 19 OTHERS..... APPLICANTS

VERSUS

THE REPUBLIC.....RESPONDENT

14/12/2020 & 18/12/2020

RULING

MASAJU, J

The Applicants, Jingu Emmanuel Jackson, Emmanuel Simon Lissu, Wilson Luta Kidaghoo, Gideon Samwe Murya, Steven Yesaya Mangu, Mika Yesaya Muna, Joseph Herman Daffi, Swalehe Ally Mangu, Morinyo

Mohamed Muhanja, Bebedict John, Salum Said Kiduka, Ibrahim Madaraka, Juma Hamis Hisu, Lighteness Isah Masoud, Mashavu Said Ibrahim, Ester Mack Kiwali, Debora Shaban, Bahati Philemon Sambaa, Christina Samwel Hamis and Noela Sebastian Lemoyani together and jointly have been charged with three counts of offences thus; the first count – Leading Organised crime contrary to paragraph 4 (1) (d) of the First Schedule to, and sections 57 (1) and 60 (2) both of the Economic and Organised Crime Control Act, [Cap 200 R.E 2019] the 2nd count – Conspiracy to commit offence contrary to sections 385 and 35 of the Penal Code, [Cap 16 R.E 2019] and Unlawful Assembly contrary to sections 74 (1) and 75 of the Penal Code, [Cap 16 R.E 2019] before the District Court of Singida at Singida (vide Economic Crimes Case No. 8 of 2020).

The said offences are bailable by the Court, hence the Applicant's Application for bail pending hearing and determination of the economic case against them. The Applicants' Amended Chamber Summons Application is made under section 29 (4) (d) of the Economic and Organised Crime Control Act, [Cap 200 R.E 2019], sections 148 (1) (3), 149, 391 and 392A (1) (2) of the Criminal Procedure Act, [Cap 20 R.E 2019] and Article 108 (2) of the Constitution of the United Republic of

Tanzania (sic). The Application is supported by the Affidavit jointly sworn and affirmed by the Applicants themselves.

The Applicants' Affidavit gives the background and the reasons for the Application in the 1st – 9th paragraphs. The Applicants commit themselves in their averments in paragraphs 3, 4, 5, 6 and 8 of the Affidavit thus;

- "3. That, we are charged with one economic offence and other two non-Economic offence, and both are bailable offence according to the Tanzania laws.*
- 4. That, the charges preferred against us involve neither property nor monies/value mentioned therein thus within this Honorable courts discretion jurisdiction.*
- 5. That, we have not been charged before any court and sentenced to prison for more than three years, and we have never been granted bail by Court and fail to meet conditions or abscond.*
- 6. That, we are willing and able to meet bail condition which will be set forth by Court, and we will appear in Court any time and date as the Court will direct us.*

8. That, we are resident of Singida, and we have reliable sureties with fixed places of abode within the jurisdiction of this Honourable Court and Singida District Court."

Since the Respondent Republic does not contest the Application, she filed no counter affidavit. When the Application was heard before the Court on the 14th day of December 2019, Ms. Chivanenda Luwongo, the learned Senior State Attorney, who appeared for the Respondent Republic did not contest the Application for the offences were bailable. The Applicants on their part were advocated for by Mr. Jebra Kambole and Maria Mushi, the learned counsels, who *enter alia*, adopted the Applicants' joint Affidavit to form part of the submissions in support of the Application. They prayed the Court to grant the Application accordingly with affordable bail conditions.

The Court is of the considered position that since the Applicants have been charged with bailable offences and taking into account the fact that the Application stands uncontested by the Respondent Republic, there is no legal reason that influences the Court not to grant the Application.

That said, the Application for bail pending trial and determination of the economic case against the Applicants is hereby granted accordingly pursuant to sections 29 (4) (d) and 36 (1) of the Economic and Organized Crime Control Act, [Cap 200 R.E 2019] read together with section 148 (1) (2) of the Criminal Procedure Act, [Cap 20 R.E 2019].

The Applicants shall be admitted to bail on the following condition and terms, thus;

1. That, the Applicants severally shall have two reliable sureties, citizens of the united Republic of Tanzania, residents of the local jurisdiction of the Court who shall each execute a bond of TZs 1,000,000/=
2. That, the Applicants' reliable sureties, if any, and their identification documents for purposes of compliance with the bail conditions and terms hereof shall be vetted for approval by the Deputy Registrar
3. That, the Applicants severally, shall surrender their passports and other travel documents, if any, to Dodoma Regional Police Central Station for safe custody pending the trial and determination of the economic crime case against them.
4. That, the Applicants shall not travel outside the local jurisdiction of the Court without the prior permission by the Deputy Registrar.

5. That, the Applicants shall appear before the District Court of Singida or the trial Court, as the case may be, on such dates and times as shall be so scheduled by the said District Court or the trial Court, as the case may be.
6. That, the Deputy Registrar or the District Court of Singida or trial Court, as the case may be, shall ensure that the bail conditions and terms hereof are complied with and maintained accordingly pending the timely trial and determination of the economic crime case against the Applicants.
7. That, the Deputy Registrar shall ensure that all the prerequisite bail condition and terms hereof are met accordingly prior to releasing the Applicants on bail.
8. That, the Applicants together and severally shall act and behave in such manner that will result into maintenance of law and order within the local jurisdiction of the Court pending the trial and determination of the case.

It is hereby so ordered by the Court this 18th day of December, 2020.



GEORGE M. MASAJU

JUDGE

18/12/2020