

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF KIGOMA

AT KIGOMA

MISC. ECONOMIC APPLICATION NO. 8 OF 2021

(Arising from Economic Case No. 05 of 2021 Pending before Kasulu District Court)

ELISHA S/O SIMON.....APPLICANT

VERSUS

THE REPUBLICRESPONDENT

RULING

13th September & 20th October 2021

A. MATUMA, J

This is an application for bail pending trial. The applicant herein is standing charged in the District Court of Kasulu at Kasulu for an economic offence of Unlawful Possession of Government Trophy to wit; One piece of elephant skull and one piece of elephant teeth valued **Tshs. 34,785,000/=**, two pieces of python skin valued at **Tshs. 834,840/=** and one owls egg valued at **Tshs. 266,685/=** whose total value is **Tshs. 35,886,525/=**.

The applicant for the herein above offence is alleged to have contravened the provisions of Section 86 (1) and (2) (b) of the Wildlife Conservation Act no. 5 of 2009 read together with paragraph 14 of the 1st Schedule to and Section 57(1) and 60 (2) of the Economic and Organized Crimes

Control Act, Cap. 200 R.E 2019. He is now before me seeking for bail pending trial.

During the hearing of this Application, the Applicant was not brought from custody. Mr. Robert Magige learned State Attorney entered appearance for the Respondent.

The learned State Attorney informed the court that despite the absence of the Applicant he was not intending to object this application provided that the conditions for bail are set in consideration of section 36 (5) of Cap. 200 supra.

In the circumstances I hereby grant this application and admit the applicant to bail pending trial on the following bail conditions: -

- i. The applicant to deposit in Court cash **17,943,262.5/=** or in the alternative deposit a title deed of an immovable property of an equivalent value. If the title deed is not available then the applicant to bring any other proof to the satisfaction of the court of the existence of such property. The title deed to be deposited or the cash need not necessarily be the property of the applicant in person. It might be that of any other person who undertakes the risks of putting his/her properties as a bond for the applicant.*



- ii. *The applicant to have two reliable sureties who shall each sign the bond of **Tsh 8,971,631/=**.*
- iii. *Each surety to have an introduction letter from any of the local leaders namely; Village chairman or Village Executive Officer, Street Chairman or the Mtaa Executive Officer or the Ward Executive Officer. If the surety is employed by any recognized and Registered Company or Institution, then an introduction letter from the Employer.*
- iv. *The applicant to surrender to the nearest Police station his passport or any other traveling documents if any.*
- v. *The applicant should not travel abroad without a prior written permission of the Resident Magistrate Incharge of Kasulu District Court.*

It is so ordered.




A. MATUMA

JUDGE

20/10/2021

Court: The applicant should be taken back to the Resident Magistrate in Charge of Kasulu District Court for approval of sureties if any.

Sgd A. MATUMA,

JUDGE,

20/10/2021