

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

MISC. ECONOMIC APPLICATION NO. 03 OF 2021

*(Original Economic Crime Case No. 10 of 2021 in the District Court of
Kigoma at Kigoma)*

MAGASO ENOCK WAJAMA.....APPLICANT

VERSUS

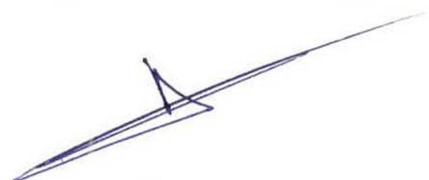
THE REPUBLIC.....RESPONDENT

R U L I N G

11/05/2021 & 11/05/2021

A. MATUMA, J.

The applicant is standing charged in the District Court of Kigoma at Kigoma for an economic offence bearing three counts namely Stealing by a person in Public Service, Occasioning loss to a specified Authority, and Use of Document intended to Mislead the Principal. He is alleged to have stolen the properties of his employer, TANESCO; 11kv 3phase 50kva Transformer with **Serial No. 09CT0085** and 11kv 3phase 50kva Transformer with **Serial No. 09Ct0044** both valued at Tanzanian Shillings Thirty-Seven Million Seven Hundred Twenty-Two Thousand Seven Hundred Seventy-Four and Twenty-Six Cents only **(37,722,774.26)** and Occasioning loss to TANESCO of the said amount.



The three offences have been preferred under the provisions of section 258 and 270 of the Penal Code, paragraph 10(1) of the first schedule to, and Section 57(1) and 60(2) of the Economic and Organised Crime Control Act (Cap 200 R.E 2019), and section 22 of the Prevention and Combating of Corruption Act (Cap 329 R.E 2019) respectively.


The documents allegedly were used by the Applicant in deceiving the principle are Delivery Note **No.9067678** dated **16/02/2015** and gate pass **No.1671476**.

The Applicant is now before me seeking for bail pending trial on the grounds that the offences are bailable but the committal court has no jurisdiction on the matter as the value of the charge thereof exceeds Tshs. 10,000,000/=

Mr. Benedict Kivuma learned state attorney did not object the application. He only drew the attention of this court to the Requirements of Section 36 (5)(a) of the Economic and Organized Crimes Control Act, Cap. 200 R.E. 2019.

In the circumstances that the offence under which the applicant stands charged is bailable and this court is vested with jurisdiction to determine this application and the fact that the Respondent does not have any objection for the applicant to be released on bail pending trial, I hereby allow the application and order that the applicant be released on bail pending trial on the following conditions: -

- i. The applicant to deposit in Court cash money **Tshs 18,861,387.13/=** or a tittle deed of an immovable property of an equivalent value. If the tittle deed is not available, then any other such proof of the existence of the property to the satisfaction of the Court.



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For clarity the cash to be deposited or the title deed need not be the property of the accused in person. It might be of any other person who volunteer them to be deposited for and on behalf of the applicant and who shall also appear in Court to undertake on record the risks of putting his/her properties as a bond to the applicant.

- ii. The applicant to have two reliable sureties who shall each sign a bond of Tshs **9,430,693.565/=**
- iii. Each of the sureties must have an introduction letter from the local leaders of his place of residence and if he or she is employed then an introduction letter from his employer.
- iv. The applicant should surrender to the Police station his passport or any other travelling documents if any.
- v. The applicant should not travel abroad without a prior written consent of the Resident Magistrate Incharge of the resident Magistrate's Court of Kigoma.

It is so ordered.



A. MATUMA,

JUDGE,

11/05/2021

Court: The applicants be brought before the Deputy Registrar for approval of sureties if any.

A. MATUMA,

JUDGE,

11/05/2021