

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

MISC. ECONOMIC APPLICATION NO. 04 OF 2021

*(Original Economic Crimes Case No. 11 of 2021 of the District Court of
Kigoma at Kigoma)*

AMINI KANUMA SAID.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

11/05/2021 & 11/05/2021

MATUMA, J.

The applicant herein Amini Kanuma Said stand charged in the District Court of Kigoma at Kigoma, in Economic Case No. 04/2021 indicted of an economic offence with two counts; *One, **Stealing by person in Public Service***. He is alleged to have stolen the properties of his Employer TANESCO, to wit; Clamp Strain 8854pcs valued at Tanzanian Shillings Seventy Million Two Hundred Ninety Thousand Two Hundred Twenty-Three and Seventy-Four Cents only **(70,290,223.74)** contrary to sections 258 and 270 Of the Penal Code.

*Second, **Occasioning Loss to a Specified Authority*** contrary to paragraph 10(1) of the first schedule to, and Section 57(1) and 60(2) of the



Economic and Organised Crimes Control Act (Cap 200 R.E 2019) whereas, it is alleged that the accused person intentionally and by his willful acts, caused Tanzania National Electrical Company to suffer pecuniary loss of Tanzania Shillings Seventy Million Two Hundred Ninety Thousand Two Hundred Twenty-Three and seventy-Four Cents only (**70,290,223.74**).

At the hearing of this application the Applicant was present in person and had the service of Mr.Daniel E. Rumenyela learned advocate who adopted the contents of the affidavit accompanying the application and prayed that the Applicant be released on bail pending trial.

M/S Antia Julias learned state attorney for the Respondent/ Republic did not object the application. She 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.

According to the applicant's affidavit which was adopted by his advocate, the applicant could not be granted bail in the committal court as the value of the charge exceeds Tshs. 10,000,000/=. In the circumstances that the offences under which the Applicant stands charged are bailable and the Respondent had no objection to the applicant's prayer, I hereby grant the application and order the release of the applicant on bail under the following conditions: -

- i. The applicant to deposit in Court cash money **Tshs 35,145,111.87/=** or a title deed of an immovable property of an equivalent value. If the title deed is not available, then any other such proof of the existence of the property to the satisfaction of the Court. 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 17,572,555.935/=**
- iii. Each of the sureties must have an introduction letter from the local leaders of his place of residence or if is employed then an introduction letter from his or her 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 Kigoma Resident Magistrate Court.

It is so ordered.



A. MATUMA,

JUDGE,

11/05/2021

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

A. MATUMA,

JUDGE,

11/05/2021