

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

MISC. ECONOMIC APPLICATION NO. 02 OF 2021

(Original Economic Case No. 7 of 2020 in the District Court of Kibondo)

HARELIMANA SELESTINE.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

17th & 17th May, 2021

A. MATUMA, J.

The applicant herein Harelimana Selestine is indicted of an economic offence in the District Court of Kibondo at Kibondo, Economic Case No. 7/2020.

He is alleged to have been found in unlawful possession of firearms to wit; Muzzle gun Gobore without any valid permit contrary to section 20(1) and (2) of the Fire Arm and Ammunition Control Act No. 2 of 2015 read together with Paragraph 19 of the First Schedule and Section 57(1) and 60(2) of the

Economic and Organized Crimes Control Act Cap 200 R.E 2002 as amended by Miscellaneous Amendment Act No. 3 of 2017

The applicant alleges in his affidavit that bail is a constitutional right but having prayed for the same at Kibondo District Court was informed that, that court had no jurisdiction to grant bail and advised to seek the same in the high Court hence this application.

At the hearing of this application the Appellant was absent as he was not brought from Kibondo District. Mr. Robert Magige learned state attorney entered appearance for the Respondent and did not object this application. He only drew the attention of this court that, the Applicant is a Refugee from Burundi and is residing in the Camp as he has himself stated under the 7th paragraph of his Affidavit. In that regard, the learned state attorney submitted that in case the Applicant is admitted on bail then bail conditions should be those which would ensure that the applicant is not absconding his future trial.

In the circumstances that the offence under which the applicant stand charged is bailable and the fact that the Respondent does not have any objection for the applicant to be released on bail pending trial, I hereby allow

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the application and admit the applicant on bail. About the applicant being a foreign national, I find that our laws do not discriminate foreign nationals as far as bail conditions are concerned. What is all important is satisfactory bail conditions depending on the nature of the offence allegedly committed and the relevant law governing bail issues on the offence.

This is an economic offence whereas no value is involved in the allegation and therefore deposit of money or title deed as per section 36 of Cap. 200 supra do not apply. I therefore order the release of the appellant on the following bail conditions:

- i. *The applicant to have two reliable sureties.*
- ii. *Each of the sureties must have an introduction letter from any of the local leaders of his place of residence.*
- iii. *Each of the sureties shall execute a bail bond of Tshs. 500,000/=.*
- iv. *The applicant should not move outside Kibondo District without a prior written consent of the Resident Magistrate Incharge of Kibondo District Court which shall be obtained after the Refugee Camp authority has satisfied the said*

Resident Magistrate that the intended movement is necessary.

It is so ordered.




A. MATUMA,

JUDGE,

17/05/2021

Court: The applicant be brought before the Resident Magistrate
Incharge of Kibondo District Court for approval of sureties if any.

Sgd: A. MATUMA,

JUDGE,

17/05/2021