

**IN THE HIGH COURT OF TANZANIA**  
**(DAR ES SALAAM DISTRICT REGISTRY)**  
**AT DAR ES SALAAM**

**MISC. CRIMINAL APPLICATION NO. 220 OF 2020**

*(Originating from Economic Case No. 70 of 2020 in the Resident  
Magistrates Court of Dar es salaam at Kisutu)*

**CHARLES JOHN SALILA@PENGO ..... APPLICANT**

*VERSUS*

**THE REPUBLIC ..... RESPONDENT**

**RULING**

*12/04/2021 & 16/04/2021.*

**E. E. Kakolaki, J**

By way of chamber summons brought under certificate of urgency and supported by affidavit of one Hashim Mziray advocate for the applicant, the applicant is seeking for bail. The application has been preferred under Section 29(4)(d) of the Economic and Organised Crime Control Act, [Cap. 200 R.E 2019].

Before the Resident Magistrates Court for Dar es salaam at Kisutu in Economic Crimes Case No. 70 of 2020 the applicant is charged with nine counts on the offence of Interference with Property Intended to be Used for Supplying Necessary Services; Contrary to paragraphs 20(1),(2)(b) and 3(a) of the First Schedule to, and sections 57(1) of the Economic and Organised

Crime Control Act, [Cap. 200 R.E 2019]. It is alleged in all nine counts that on the 28/05/2020 at different areas in Ilala, Kinondoni, Ubungo and Kigamboni Districts within the City and Region of Dare es salaam, the applicant willfully and unlawfully interfered with the property intending to supply necessary service by disconnecting several TANESCO electric meters, shifting and reinstalling them to other houses or users.

When the matter came for hearing before me on 12/04/2021 the applicant appeared represented by Mr. Hashim Mziray learned advocate whereas the Republic (Respondent) was represented by Miss. Elizabeth Mkunde learned State Attorney. Adapting the affidavit to form part of the submission it was Mr. Mziray's submission that the offences with which the applicant is booked with before the subordinate court are bailable and that this court has jurisdiction to grant the application as prayed. He therefore prayed the Court to grant the application. Miss. Mkunde for the respondent from the outset intimated to the court that the respondent was not contesting the application. She however, prayed the Court when exercising its discretion in setting conditions for bail to impose reasonable conditions that will guarantee applicant's appearance in court when needed. She added guidance is provided under section 36(5) of EOCCA.

In determining the application this court has considered the applicant's affidavit in support of the application and the submission of both the learned advocate for the applicant Mr. Mziray and Miss. Mkunde State Attorney for the respondent. It is not in dispute now that the offences facing the applicant are bailable and that this court has powers to entertain and grant bail to him. Given the fact that the respondent is not objecting to the grant of the

application, this court has no reason to deny the applicant his constitutional right of bail. Bail is therefore granted to the applicant on the following conditions:

1. The applicant is to sign a bail bond to the tune of Tanzanian Shillings Twenty Five Million (Tshs. 25,000,000/=).
2. The applicant to provide two reliable sureties who are to execute a bond of Tanzanian Shillings Five Million (Tshs. 5,000,000/ each, and to satisfy that sureties are either employees of the Government or possesses a National Identity Card issued by NIDA and with permanent residences within Dar es salaam Region.
3. The applicant should not leave the jurisdiction of this court without prior permission from Resident Magistrates Court of Dar es salaam at Kisutu.
4. Verification of sureties and bond documents to be executed by the Resident Magistrate, Resident Magistrates Court of Dar es salaam at Kisutu.
5. The applicant to surrender his passport and any other travelling documents (if any) to the Resident Magistrate, Resident Magistrates Court of Dar es salaam at Kisutu.

It is so ordered.

DATED at DAR ES SALAAM this 16<sup>th</sup> day of April, 2021.

E.E. KAKOLAKI

**JUDGE**

16/04/2021

Ruling delivered today 16<sup>th</sup> day of April, 2021 in the presence of Mr. Hashim Mziray advocate for the applicant, the applicant in person, Ms. Elizabeth Mkunde State Attorney for the Respondent and Ms. Monica Msuya, Court clerk.



E.E. KAKOLAKI

**JUDGE**

16/04/2021