

**IN THE HIGH COURT OF TANZANIA
AT MTWARA**

MISC. CRIMINAL APPLICATION NO. 13 OF 2021

*(Originating from Economic Crimes Case No. 7/2021 Masasi
District Court at Masasi)*

MONIKA CARLO MBILA.....1ST APPLICANT
VERONICA JULIUS MANDE.....2ND APPLICANT
ROSE SIMON CHIPOSI.....3RD APPLICANT
AMINA LUCAS LONGINO4TH APPLICANT
LIONGA MAHAMUDU HASHIMU5TH APPLICANT
MILENIA AMANDUS MILANZI.....6TH APPLICANT
SALUM MAGANGA MILANZI.....7TH APPLICANT
RUKIA HAJI KALANJE.....8TH APPLICANT
ATHUMAN RASHID MHANDO.....9TH APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

19 May, 2021

W. P. DYANSOBERA, J.:

This ruling is on an application for bail. The nine (9) applicants, that is Monica Carlo Mbila, Veronica Julius Mande, Rose Simon Chiosi, Amina Lucas Longino, Lionga Mahamudu Hashim, Milenia Amandus Mulanzi Salum, Maganga Milanzi, Rukia Haji Kalenje and Athumani Rashid Mhando herein after referred to respectively, as the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, and 9th applicants are facing a charge of thirteen (13) counts before the District Court of Masasi in Economic Crimes Case No. 7 of 2021.

Before this court, the applicants are seeking to be admitted to bail in the pendency of their Criminal charge before the subordinate court. The applicants are moving this court under section 29(4) (d) of the Economic and Organized Crime Control Act [Cap. 200 R. E 2019] and Section 148 (1) and (2) of the Criminal Procedure Act {Cap 20 R.E 2019] and an affidavit affirmed by the 1st applicant on behalf of the 2nd to 9th applicants has been filed in support of the bail application.

At the hearing of the application, the applicants have appeared in person while on part of the respondent Republic, Ms. Caroline Matemu, Learned State Attorney is appearing.

The Republic has supported the application.

Having taken into account the affidavit filed in support of the application as well as the undeniable fact that the offences the applicants are bailable. I am constrained to hold that this application has legal merit. The reasons for this are not far-fetched.

First, bail is both constitutional and statutory right basing on the presumption of innocence.

Second, the offences charged against are under the law, bail able.

Third, this court is under the law, competent to admit the applicants to bail and it has been properly moved under section 29 (4) (d) of Cap 200 and Section 148 of Cap 20.

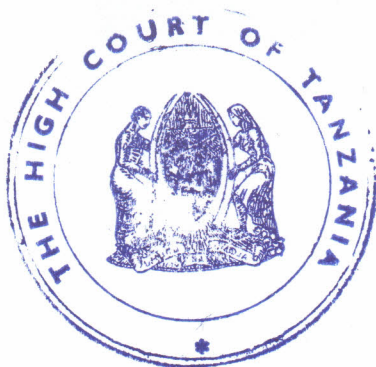
Fourth, the Republic has not opposed to his application and fifth, the applicants, through their joint affidavit, undertake to fulfill bail conditions and take their trial whenever their case is called.

Consequently, for those reasons, the application is granted and the applicants are admitted to bail on the following conditions:-

1. Surrender by the applicants to the OCD of Masasi District their passports or any travel documents.
2. The applicants are restricted to travel outside Mtwara Region unless a written permission of the presiding Magistrate is sought and obtained.
3. The applicants shall appear before the District court of Masasi on the dates and times as shall be scheduled by the said District court.
4. Each applicant to execute a bail bond of Tsh. 15,000,000/= with two reliable sureties each in the same amount.
5. The applicants should secure two reliable sureties each with evidence of possession of immovable property situated within Mtwara Region.

The said sureties to be approved by the Acting Deputy Registrar.

Order accordingly.



W. P. Dyansobera

Judge

19/5/2021

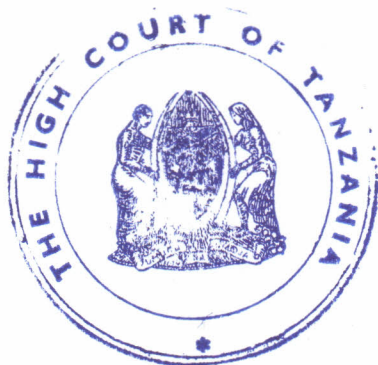
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