

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

MISC. ECONOMIC APPLICATION NO. 6 OF 2021

*(Original Economic Crime Case No. 01 of 2021 in the Resident Magistrate's
Court of Kigoma at Kigoma, before Hon. Maliki, SRM)*

BONAVENTURA MASANJA SALUMU.....1st APPLICANT
ENG. CHRISTOPHER RENATUS CHALLE.....2nd APPLICANT
KADAMILA SAMSON NDANYA.....3rd APPLICANT
THADEUS HASSAN DARAJE.....4th APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

R U L I N G

27/07/2021 & 27/07/2021

A. MATUMA, J.

This is an application for bail pending trial. The applicants are standing charged in the Resident Magistrate's Court of Kigoma at Kigoma for two economic offences namely; Leading Organised Crime and Occasioning loss to a specified Authority. They are also indicted of two counts namely stealing by a person in Public Service and Use of Document intended to Mislead the Principal under the Penal Code and The Prevention and Combating of Corruption Act respectively.


They are alleged to have stolen various properties of TANESCO, their Employer thereby causing pecuniary loss to it of an amount of **Tshs. 310,240,513.70/=**.

At the hearing of this application the Applicants were absent incarcerated at Bangwe Central Prison but were dully represented by Mr. Emmanuel Makungu learned advocate. Mr. Shabani Juma Masanja learned State Attorney appeared for the Respondent/Republic.

Mr. Makungu learned advocate submitted at length in support of the application arguing bail as a right and presumption of innocence under the Constitution of the United Republic of Tanzania, 1977. He also submitted that his clients (the Applicants are ready to comply with bail conditions as shall be set in accordance to the law.

On his part Mr. Masanja learned state attorney did not object the application. He only drew the attention of this court to the Requirements of Section 36 (5)(a) to (d) and (6) (a) to (c) of the Economic and Organized Crimes Control Act, Cap. 200 R.E. 2019.

In the circumstances that the offences under which the applicants stand charged are bailable and this court is vested with jurisdiction to determine this application and the fact that the Respondent does not have any objection



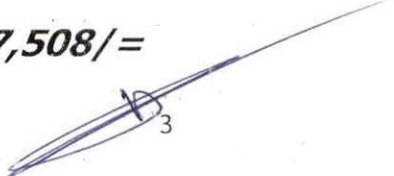
for the applicants to be released on bail pending trial, nor there is any Counter affidavit or the DPP's Certificate objecting bail to the Applicants I agree with Mr. Emmanuel Makungu learned advocate that the Applicants deserves to be released on bail pending trial.

I therefore allow this application and order that the applicants be released on bail pending trial on the following bail conditions, the principle of sharing having been considered: -

- i. Each applicant to deposit in Court cash money **Tshs 38,780,064.21/=** 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.*

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 each applicant and who shall also appear in Court to undertake on record the risks of putting his/her properties as a bond for the applicant.

- ii. Each applicant to have two reliable sureties who shall each sign a bond of Tshs **4,847,508/=***



- iii. *Each of the sureties must have an introduction letter from the local leaders of his or her place of residence and if he or she is an employee then an introduction letter from his employer. The Employer must be a registered body under the Laws of the land.*
- iv. *Each of the sureties must have a recognized identity card with a copy of it which shall remain in the case file after scrutiny of the original Identity Card.*
- v. *Each applicant should surrender to the Police station his passport or any other travelling documents if any.*
- vi. *Each applicant should not travel abroad without a prior written consent of the Resident Magistrate Incharge of the resident Magistrate's Court of Kigoma.*

Right of Appeal explained.

It is so ordered.



A. MATUMA,

JUDGE,

27/07/2021

Court: The applicants should be brought before the Magistrate in the Resident Magistrates' Court of Kigoma who has been assigned with the case file for approval of sureties if any.

Sgd: A. MATUMA,

JUDGE,

27/07/2021