

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

**AT DAR ES SALAAM**

**MISCELLANEOUS CRIMINAL APPLICATION NO. 116 OF 2021**

(Originating from Economic Crime Case No. 6/2021 at the Resident Magistrate's Court of Dar es Salaam at Kisutu)

**IDDY ALLY SELEMANI @ MMASAI ..... 1<sup>ST</sup> APPLICANT**

**MARIA MOLE @ JUMA ..... 2<sup>ND</sup> APPLICANT**

**ABUBAKAR ABRAHMAN SAUKA @ SHELATON ..... 3<sup>RD</sup> APPLICANT**

*VERSUS*

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

**RULING**

12<sup>th</sup> July, 2020.

**E. E. KAKOLAKI J**

In this application the applicants are seeking for bail consideration in Economic Crime Case No. 6 of 2021 which is pending at the Resident Magistrates Court for Dar es Salaam Region at Kisutu. The offences with which they are charged with together with one more accused person is ***Unlawful Possession of Government Trophy***, Contrary to Sections 86(1) and (2)(b) of the wildlife conservation Act, No. 5 of 2009 read together with paragraph 14 of the First Schedule to, and Sections 57(1) and (60)(2) of the Economic and organized Crime Control Act, [Cap. 200 R.E. 2019] in

two counts. The amount involved in total and both counts is **Tanzanian Shillings Forty Five Million Nine Hundred Sixty Five Thousand Six Hundred Seventy Seven** (Tshs. 45,965,677) which if divided to four accused persons each is responsible for **Tanzanian Shillings Eleven Million, Four Hundred Ninety One Thousand Four Hundred and Four and Two cents only**. (Tshs. 11,491,404.2). The application is uncontested. Having gone through the applicants joint affidavit in support of the chamber summons as well as the charge sheet, I am satisfied that the offences with which they are charged with are bailable and that they will provide reliable sureties if bail is granted to them. For the foregoing it is my finding that the applicants have met the requirements warranting this court grant the prayers sought in the chamber summons. Applying the provisions of Sections 29(4)(d) and 36 (5)(a)(b)(c)(d) and 6(a)(b)(c) of the EOCCA, I hereby proceed to grant them bail on the following conditions:

1. Each applicant is to deposit in court cash half of **Tanzanian Shillings Eleven Million Four Hundred Ninety One Thousand Four Hundred and Four and Two Cents only** or the property equivalent to half value of the said amount and the rest of the amount be secured by execution of bond in writing.
2. Each applicant has to provide two reliable sureties who are to execute a bond of **Tanzanian Shillings Two Million Five Hundred Thousand only** (Tshs. 2,500,000/=) each, and to satisfy the court that sureties are either employees of the Government or possess National Identity Card issued by NIDA, with permanent residences within Dar es Salaam Region.

3. The applicants should not leave the Jurisdiction of the Court without prior permission from the Resident Magistrates Court for Dar es Salaam Region at Kisutu.
4. Verification of sureties and bond documents to be executed by the Resident Magistrate, at the Resident Magistrates Court of Dar es Salaam Region at Kisutu.
5. The applicants are to surrender their passports and or any other traveling documents (if any) to the Resident Magistrate, in the Resident Magistrates Court for Dar es Salaam Region at Kisutu.

It is so ordered.



  
E. E. Kakolaki

**JUDGE**

**12/07/2021**

**LATER ON AT 4:00 PM**

Coram: E. E. Kakolaki, J

For the Applicants: Mr. Kiwaligo Mtono, Adv. for

Applicants: All three present in person

Respondent: Absent

CC: M. Msuya

**COURT:**

Ruling has been delivered in chambers today 12/07/2021 in the presence of Mr. KIWALIGO MTONO Advocate for the applicants, the applicants in person and in the absence of the Respondent.



  
E. E. Kakolaki

**JUDGE**

**12/07/2021**

Right of Appeal explained.



  
E. E. Kakolaki

**JUDGE**

**12/07/2021**