

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(SUMBAWANGA DISTRICT REGISTRY)

AT SUMBAWANGA

MISC. CRIMINAL APPLICATION NO. 54 OF 2020

(C/O Mlele DC Economic Crimes Case No. 4 of 2020)

JOYCE D/O NDUKA 1st APPLICANT

EPHRAIM AISACK @ KAPELA 2nd APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

Date: 02 & 02/08/2021

Nkwabi, J.:

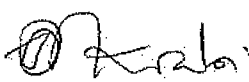
The applicants were arraigned in Mlele District court facing Economic Crimes Case No. 4/2020. In that Economic Crimes case, they stand charged with three counts of unlawful possession of Government trophies. The total amount of the trophies in all three counts is T.shs 36,117,000/=. The applicants are seeking bail. As indicated above, they stand charged with unlawful possession of Government Trophy contrary to section 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. 2002.




The application was supported by the affidavit of Mr. Elias Julius Kifunda, learned counsel for the applicants. The application was not resisted by the respondent. The respondent did not file a counter affidavit. During the hearing the respondent was represented by Mr. John Kabengula, learned State Attorney, who prayed this court to consider the provisions of section 36(4)(e) and section 36(5) (a) of the Economic and Organized Crimes Control Act in granting bail to the applicants.

Mr. Elias Kifunda, learned advocate, appeared for the applicants. He prayed and submitted that his clients be granted bail so that they attend their case while out on bail. The applicants' have sureties and immovable properties. He prayed they be granted bail.

After hearing both parties, and since the respondent does not object this bail application, without much ado, I grant the application for bail. Bail conditions to follow as hereunder:


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1. The applicants shall be out on bail upon each depositing cash money to the tune of Tshs. 9,029,250/= equivalent to half of the value of the trophies or deposit title deed of immovable property whose value is proved through government valuer's report to be not less than 9,029,250/= equivalent to half of the value of the trophies.
2. Each applicant shall have two reliable sureties who shall execute bail bond at T.shs 9,029,250/= each. Each surety shall have introductory letter from local government leader(s) (authority) of their locality where they reside.
3. Since the applicants ought to appear in the trial court, such appearance on the fixed date shall be deemed as reporting to the authority.
4. The applicants have to surrender any travel document that they possesses if any.
5. The applicants shall not travel outside the jurisdiction of the High Court Sumbawanga Zone during the pendency of Economic crimes case the subject of this application for bail, save with the permission of the learned trial Magistrate.
6. Ascertainment of compliance with the bail conditions set hereinabove shall be conducted by the Deputy registrar of the High Court.


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It is so ordered.

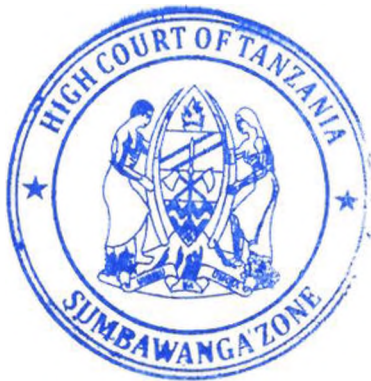
Dated at Sumbawanga this 2nd day of August, 2021.




J. F. Nkwabi

JUDGE

Court: Ruling delivered in chambers this 2nd day of July 2021 in the presence of Ms. John Kabengula, learned State Attorney for the Respondent and the applicants both present in person and Mr. Elias Kifunda, learned counsel for the applicants.




J. F. Nkwabi

JUDGE