

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

MISC. CRIMINAL APPLICATION NO. 40 OF 2021

*(From Economic Case No. 7/2021, Dodoma Resident Magistrates'
Court)*

CHARLES MAPENZA MBOZAAPPLICANT

VERSUS

THE REPUBLICRESPONDENT

RULING

Date of hearing: 23.08.2021

Date of Ruling: 23.08.2021

DR. A. J. MAMBI, J.

The Applicant **CHARLES MAPENZA MBOZA** through his chamber summons filed this application for bail to the applicant pending trial of the main case. Earlier the applicant filed his application on 28/06/2021. The matter was scheduled for hearing on 11/08/2021 but it was adjourned until 13/08/2020. On the hearing date, the prosecution prayed for an adjournment and the matter was

scheduled for hearing on 23/08/2021. During hearing, the applicant appeared under the service of Ms Mbasha and Ms Lilian Kimaro, while the respondent was represented by Mr. Sarara, the learned State Attorney. The applicant in his affidavit admits to be charged with an offence of unlawful possession of the government trophies under section 86 (1) and (2) (c) (ii) of the Wild Conservation Act, No.5 of 2009 and Sections 57 and 60 of the Economic Organized Act, Cap 200 [R.E2019] but he states that since such offence is bailable that is why she has decided to file for an application for bail. The charge sheet reveals that the applicant was charged for unlawfully possession of government trophies (elephant tasks).

The Republic, through the learned State Attorney submitted that the Republic has no objection so long as the applicant is given conditions if the court decides to grant him bail.

I have considerably gone through the application supported by affidavit and submissions from both parties. It is clear from the records that the applicant is seeking bail pending determination of his main case. I have also perused the facts for charge in which the applicant stands charged. Before this court decides to determine this application there are certain issues or questions that need to be addressed and answered. In my considered view, the question before this court is that; is the offence under which the applicant is seeking bail bailable? If yes, does the circumstance of the case warrants this court to grant the bail or not? If the answer is in

affirmative, are there any conditions that the applicants needs to meet before such bail is granted? If the answer is in negative what are reasons and grounds that could make this court to refuse this application?



The records show that the offence against which the applicant stands charged is not under the list of nonbailable offences under the law. In other words, the offence originating from an economic case is billable. It is indisputable fact that the main purpose of granting bail to the accused has always been to let her be free for a while pending his trial as long as his guilt has not yet been established beyond reasonable doubts. However, this purpose is subject to a number of limitations before the court grants such bail. I have considerably gone through the records and facts from prosecution and finds that the circumstance of the case warrants this court to grant bail. I am of considered view that the applicant deserves bail at the court. It is prudent the accused be immediately granted bail by this court to avoid unnecessary delay of justice.

From the above reason, the court grants bail to the applicant subject to the following conditions:-

The applicant to have two reliable sureties residing within Dodoma Region. All sureties to present introduction letters from their respective Kitongoji or Mtaa leaders to the High Court Registrar.

1. The sureties shall sign bond worth 5,000,000/= to the High Court of Mbeya

2. The applicant shall deposit **17, 387, 325/=** to the High Court of Mbeya or the document indicating ownership of immovable properties equivalent to this amount. This amount is half amount derived from the half amount total value that **(34, 774, 650/=)**. If the applicant has no such money, he is at liberty to present the document indicating ownership of an immovable property valued at the equivalent to **17, 387, 325/=**
3. Applicant to report to the office of Nearest Police Station or post within Chamwino District or any nearest police station within the region of Dodoma once monthly from the date of this order.
4. Applicant to surrender his travelling documents or passports if any to the nearest District Court in Dodoma or the Registrar of the High Court of Dodoma
5. The applicant shall seek permission from the Registrar of the High Court of Dodoma or the District Magistrate In charge for Chamwino District Court if he needs to travel outside Dodoma Region.



DR. A.J. MAMBI
JUDGE
23.08. 2021

Ruling delivered in Chambers this 23th day of August, 2021 in presence of both parties.



A handwritten signature in blue ink, appearing to be "A.J. Mambi", written over a horizontal line.

DR. A.J. MAMBI
JUDGE
23.08. 2021

Right of Appeal explained.



A handwritten signature in blue ink, appearing to be "A.J. Mambi", written over a horizontal line.

DR. A.J. MAMBI
JUDGE
23.08. 2021