

IN THE UNITED REPUBLIC OF TANZANIA

JUDICIARY

IN THE HIGH COURT OF TANZANIA

(DISTRICT REGISTRY OF MBEYA)

AT MBEYA

MISC. CRIMINAL APPLICATION NO. 58 OF 2021

(Arising from Economic Crimes Case No. 15 of 2021 in the District Court of
Chunya at Chunya)

MANGE SENGHEREMA.....APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

Date of Hearing: 27/09/2021

Date of Ruling : 27/09/2021

MONGELLA, J.

The applicant is seeking for bail pending trial of Economic Crimes Case No. 15 of 2021 pending in the District court of Chunya at Chunya. The application is made under section 29 (4) (d) and 36 (1) of the Economic and Organised Crime Control Act, Cap 200 R.E. 2019. It is supported by the affidavit of the applicant's advocate, Jacqueline Thadeus Massawe.

In this case the appellant stands charged with the offence of unlawful possession of government trophy contrary to section 86 (1) (2) (c) (iii) of the Wildlife Conservation Act No. 5 of 2009 read together with paragraph 14 of the First Schedule to and section 57 (1) and 60 (2) of the Economic



and Organised Crime Control Act, Cap 200 R.E. 2019. In the charge, the appellant is alleged to have committed the offence on 07th August 2021 at Isangawana village within Chunya district and Mbeya region whereby he was found in unlawful possession of one piece of elephant tusk valued at USD 10,000, equivalent to T.shs. 23,185,000/-, the property of the Government of the United Republic of Tanzania, without permit.

During the hearing of the application, Ms. Massawe simply prayed for the court to consider the grounds advanced in the affidavit in support of the application and grant the bail applied for. On his part, Mr. Hebel Kihaka, learned senior state attorney for the respondent supported the application.


In the affidavit in support of the application the applicant is stated to not have been previously charged with any criminal offence thus not having any record of jumping bail. He is stated to have reliable sureties who can guarantee his presence in court at all times during pendency of the trial. He also has a permanent resident in Chunya district at Mazimbo-Matwiga area whereby he also carries his business activities.

In consideration of these grounds and the fact that bail is a basic right under the Constitution of this land (see **DPP v. Daudi Pete** [1993] TLR 22 and **Tito Douglas Lyimo v. Republic** [1978] LRT 55) and in further consideration that the offence that the applicant stands charged is bailable under the law, I hereby grant the bail application upon the following conditions:-



1. The applicant should deposit **T.shs. Eleven Million, Five Hundred and Ninety Two Thousand Five Hundred (11,592,500/-)**, being his portion on the half of the total amount of the value stated in the charge.
 2. The applicant should provide two sureties, whereby each surety shall execute a bond of **T.shs. Five Million Seven Hundred and Ninety Six Thousand Two Hundred and Fifty (5,796,250/-)**. The sureties must be residents within the jurisdiction of the District Court of Chunya.
 3. The applicant must surrender all travel documents, if any, to the Resident Magistrate presiding over his case in the District court of Chunya. Where the applicant claims not to possess any travel documents, proof to that effect must be obtained from the Immigration Authority.
 4. The applicant must not leave the jurisdiction of this Court Sub Registry Mbeya without written permission of the presiding Resident Magistrate at the District court of Chunya.
 5. The applicant must report in person to the presiding Resident Magistrate at the District court of Chunya whenever needed to do so.
 6. Verification of sureties and bond documents shall be effected by the presiding Resident Magistrate at the District court of Chunya.
- It is so ordered.

Dated at Mbeya on this 27th day of September 2021


L. M. MONGELLA
JUDGE

Court: Ruling delivered in Mbeya, in chambers, on this 27th day of September 2021 in the presence of the applicant and his advocate, Ms. Jacqueline Massawe, and Mr. Hebel Kihaka, learned state attorney for the respondent




L. M. MONGELLA
JUDGE