

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

MISC. CRIMINAL APPLICATION NO. 60 OF 2021

(C/F Economic Case No. 4 of 2020 in the Monduli District Court at Monduli)

ADAN S/O ANDREA @ MASUMBUKO..... APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

20/08/2021 & 8/09/2021

GWAE, J

The applicant, **Dan Andrea @ Masumbuko** stands charged with an economic offence in the District Court. The Economic charge is in one count, namely; Unlawful Possession of Government Trophy to wit; meat of a giraffe which is equivalent to one killed giraffe valued at USD 15,000 equivalent to Tanzania Shillings Tshs. 34,635,000/= the property of the Government of the United Republic of Tanzania, c/ss 86 (1) (c) (ii) of the Wildlife Conservation Act, No. 5 of 2009 as amended by section 59 (a) and (b) of the Written Laws (Misc. Amendment No. 2) Act No. 4 of 2016 read together with paragraph 14 of the 1st schedule to, and sections 57 (1) and 60 (2) both of the Economic and Organized Crimes Control Act [Cap 200 R.E. 2019].

The applicant is now seeking an order of the court granting him bail pending investigation by police and committal by the committing court and trial by the court. This application has been referred under the provisions of Sections 149 of the Criminal Procedure Act Cap 20 R.E 2019, sections 29 (4) (d) and Section 36 (1) of the Economic and Organized Crime Act (supra) read together with Act No. 3 of 2016.

In his sworn affidavit, the applicant stated that, as of now, he is an innocent citizen and that the offence against him is bailable. The applicant further urged this court to grant him bail as he has reliable sureties.

On the hearing of this application, the applicant was represented by Mr. **Ephraim Kisanga**, the learned advocate whereas the Republic, respondent was represented by **Ms. Mary Lucas**, the learned State Attorney did not oppose this application.

I have considered the applicant's affidavit as well as offence against him and provisions of the law that is section 29 (4) and section 36 of the Act, the offence mentioned above is blatantly bailable subject to conditions as stipulated under Section 36 (5) of the Act as amended by Section 10 of the Written Law (Miscellaneous Amendment) Act, No. 3 of 2016. That being the position and taking into account that every accused person is presumed innocent till an offence leveled

against him or he is proved, the application is therefore granted on the following conditions pursuant to section 36 (5) of the Act:

1. That, Applicant shall deposit hard cash Tshs. **17,317,500/=**. or other immovable property with title deed alternatively, with estimated value not below half the actual amount of money involved (**17,317,500/=**), by an authorized valuer.
2. That, the applicant shall have two sureties who must come from the area of the jurisdiction of this court with introductory letters from the area of locality or from their employer(s)
3. The sureties shall sign a bail bond of Tshs, **8, 658,750/=**
4. Each surety must have either Passport or National Identity or Driving Licence or Voter's Card and the sureties' particulars must be clearly recorded.
5. The applicant shall not leave the jurisdiction of this Court a permission being sought and obtained.
6. The applicant, while on bail, shall ensure that he does commit an offence attracting a custodian sentence
7. That, the applicant shall be entering appearance whenever required to do be it before the committing court or trial court
8. Bail conditions set forth with shall be ascertained by the Deputy Registrar of the Court together with a State Attorney.

It is so ordered,




M.R. GWAE,
JUDGE.
8/09/2021