

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

MISC. ECONOMIC CAUSE NO. 104 OF 2021

*(Originating from Economic Crime Case No. 72 of 2019 in the Resident Magistrates
Court of Dar es salaam Region at Kisutu)*

VALENTINO DANIEL SINGAWE.....1ST APPLICANT

LETICIA PHILIP MASSARO..... 2ND APPLICANT

CHRISTINA EDWIN TEMU.....3RD APPLICANT

JOSEPH JOHN NDULLU.....4TH APPLICANT

EVA VINCENT LIHOKO/ELO.....5TH APPLICANT

LILLA KASSIMU LILA.....6TH APPLICANT

VERSUS

REPUBLIC RESPONDENT

RULING

Date of last order 14/07/2021

Date of Ruling 16/07/2021

ITEMBA, J.

Before me is an application for bail under section 29(4)(d) and 36(1) of the Economic and Organized Crimes Control Act [Cap. 200 R.E.2019]. It is filed under a certificate of urgency.

The applicants herein stand charged before the Resident Magistrates Court of Dar es salaam at Kisutu in Economic Crimes Case No. 72 of 2019, with 21 counts of forgery, 6 counts of stealing by servant and one count of occasioning loss to a specified authority.

At the hearing, the applicants were represented by Mr. Steven Bwana learned advocate while the respondent was represented by Ms. Edith Mauya, learned state attorney.

Mr. Bwana prayed for the application to be granted, he briefly submitted that the offences which the applicants are charged with are bailable, the applicants herein have fixed abode in Dar es salaam and have reliable sureties. He also prayed for the Court to consider sharing principle should bail be granted.

The respondent did not object this application. Ms. Mauya stated that granting bail is Court's discretion. She added that in exercising its discretion the Court should be guided by section 36 (5) and (6) of Cap 200.

Based on the charge sheet, it is alleged that the above named six applicants on diverse dates between July 2014 and April 2015 at TRH inland containers Depot, within the City and Region of Dar es Salaam, by willful act caused Tanzania Ports Authority to suffer pecuniary loss of Tanzanian shillings Five Billion, One Hundred Eleven Million, Five Hundred Twenty Four Thousand, Four Hundred Shillings And Thirty One Cents. **(Tshs. 5,111,524,400.31)/=**

I have considered the affidavit filed in support of the application and submissions by both the learned counsels. I have also considered the factors that the offences which the applicants are charged with are eligible for bail, the Court has jurisdiction and that the applicants have reliable sureties who will guarantee their presence in Court when required.

Further to that, this application for bail has not been opposed by the respondent and the applicants' affidavit have not been challenged, I therefore grant the application and order that the applicants be admitted to bail upon fulfilling the following conditions: -

1. Applicants are to deposit in Court cash amounting to half of Tanzanian shillings Five Billion, One Hundred Eleven Million, Five Hundred Twenty-Four Thousand, Four Hundred Shillings And Thirty One Cents. **(Tshs. 5,111,524,400.31)/=** or the property/properties equivalent to half value of the said amount and the rest of the amount be secured by execution of bonds in writing. The principle of sharing to apply.
2. Each applicant has to provide two reliable sureties who are to execute a bond of Tanzanian shillings Two Hundred And Twelve Million (Tshs. 212,000,000/=) each, and to satisfy the Court that sureties are either employees of the Government or possesses a National Identity Card issued by NIDA with permanent residence within Dar es salaam Region.

3. Applicants should not leave the jurisdiction of the court without prior permission from the Resident Magistrates Court of Dar es Salaam Region at Kisutu.
4. The applicants are to report to the Regional Crime Officer for Dar es Salaam Region according to his/her prescribed schedule.
5. Verification of sureties and bond documents to be executed by the Resident Magistrate, at Resident Magistrates Court of Dar es Salaam Region at Kisutu.
6. The applicants are to surrender their passports and any other travelling documents (if any) to the Resident Magistrate, Resident Magistrates Court of Dar es Salaam Region at Kisutu.

It is so ordered.

DATED at DAR ES SALAAM this 16th day of July, 2021.



A handwritten signature in blue ink, appearing to read "L. J. Itemba".

L. J. Itemba

JUDGE

16/7/2021