

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(IN THE DISTRICT REGISTRY OF KIGOMA)
AT KIGOMA**

MISC. ECONOMIC CAUSE NO. 9 OF 2021

(Original Economic Crime Case No. 07/2021 of the Kibondo District Court)

AYUBU NTAKIMAZI APPLICANT

VERSUS

REPUBLIC RESPONDENT

RULING

3/11/2021 & 3/11/2021

L.M. MLACHA, J.

This is a ruling on an application for bail pending trial. The application is made under section 29 (4) (d) of the Economic and Organised Crime Control Act, Cap 200 R.E. 2019. It is supported by an affidavit sworn by Daniel Rumenyela who is the counsel for the applicant, Ayubu Ntakimanzi. The respondent Republic was duly served and sent Mrs. Happiness Mayunga state attorney. No counter affidavit was filed to oppose the application. Mrs. Happiness Mayunga informed the court that they have had no reason to file it because they have no objection to the application.

A copy of the charge sheet attached to the affidavit shows that the applicant is charged of Unlawful Possession of Government Trophy

contrary to section 86 (1) and (2) (e) (iii) of the Wildlife Conservation Act. No. 5 of 2009 as amended by section 59 of the Written Laws (Miscellaneous Amendment) (No. 2) Act 2016 read together with paragraph 14 (d) of the First Schedule and section 57 (1) and (60 (1) and (2) of the Economic and Organised Crime Control Act. The particulars shows that the applicant was found by Inspector Henry in possession of Government trophy to wit one elephant tooth (sic) valued at Tshs. 34, 556, 100/= property of the United Republic of Tanzania without valid permit from the Director of Wildlife.

The proceedings were conducted under the virtual court services. The accused was in Kibondo District Court. The state attorney and the defence counsel were in their offices. Mr. Daniel Rumenyela prayed for bail on behalf of his client saying that his client has reliable sureties. The state attorney had no objection but requested the court to take into account the requirement of section 36 of the Act. In rejoinder Mr. Rumenyela asked the court to take into account that his client comes from the village and may not be in position to meet the requirements for securities.

My perusal of the law has shown me that this is one of the cases where bail can be considered and granted by this court. See also **Mwita**

Joseph Ikoh and two others v. The Republic, CAT Criminal Appeal No.60 of 2018. Having perused the law and examined the submissions particularly the point that the applicant has reliable sureties and on the strength of section 29 (4) (d) and 36 of the Act, I proceed to grant bail on the following conditions;

1. The applicant shall deposit cash Tshs. 17,278,050/= or a title deed of a landed property valued above this amount.
2. The applicant shall sign a bond in the sum of Tshs. 17,278,050/=.
3. The applicant shall have two reliable sureties who shall sign a bond Tshs. 17,278,050/= each.
4. The applicant shall not go out of Kigoma region without written permit from the Deputy Registrar. He shall also deposit his passport to this court (if any).
5. The applicant shall report to the Regional Crimes Officer (RCO) Kigoma on the *first Monday of each month at 9:00 a.m.* until the case is finally determined.



A handwritten signature in blue ink, appearing to read 'L.M. Mlacha', is positioned above the printed name.

L.M. Mlacha

JUDGE

3/11/2021

Court: Ruling delivered in presence of both parties. Right of Appeal Explained.



A handwritten signature in blue ink, appearing to read "L.M. Mlacha".

L.M. Mlacha

JUDGE

3/11/2021

ORIGINAL