

**IN THE HIGH COURT OF TANZANIA
(DODOMA DISTRICT REGISTRY)
AT DODOMA**

MISC. CRIMINAL APPLICATION NO. 43 OF 2021

(Originating from Economic Case No. 3 of 2021 at District Court of Kondoa at Kondoa)

1. SHAFII ATHUMAN@ABEID
2. ALLI HAMISI ALLI

}**APPLICANTS**

VERSUS

THE REPUBLIC RESPONDENT

27/9/2021 & 30 /9/2021

RULING

MASAJU, J

The Applicants, Shafii Athuman Abeid and Alli Hamisi Alli, have been jointly indicted before the District Court of Kondoa at Kondoa for one economic offence, that is, Unlawful Possession of Firearms contrary to Section 20(1) (b) and (2) of the Firearms and Ammunitions Control Act No. 2 of 2015 read together with paragraph 31 of the First Schedule to and Section 57 (1) and 60(2) of the Economic and Organized Crimes Control Act [Cap 200 RE 2019], hence their Chamber Summons Application for bail pending trial and disposal of the matter.

Their Chamber Summons Application is made under Section 148(1) (2) and (3) of the Criminal Procedure Act [Cap 20], Section 29(4) (d) and 36(1) of the Economic and Organized Crime Control Act [Cap 200] supported by the Applicants' own Affidavits severally affirmed. The said Affidavits give the background and reasons for their eligibility for admission to bail on the bailable offence. In paragraphs 5, 6 and 8 of the Affidavits, the Applicants depone that they have been charged with a bailable offence. That, they have reliable sureties and that they will adhere to the bail conditions as shall be imposed by the Court. The Respondent Republic did not file Counter Affidavit.

When the Application was heard in the Court on the 27th day of September, 2021 the Applicants were represented by Mr. Isaya Nchimbi, the learned Counsel while the Respondent was in service of Mr. Harry Mbogoro, the learned Senior State Attorney.

The Applicants adopted their Affidavits to form part of their submissions in the Court. They added that since they have been charged with a bailable offence, they have reliable sureties and they have committed themselves to be entering appearance in the trial court, they prayed the court to grant the Application accordingly.

The Respondent Republic did not contest the Application for the Applicants have been charged with bailable offence.

The Application is hereby granted under Section 148 (1) of the Criminal Procedure Act [Cap 20] read together with Sections 29(4) (d) and

36 (1) of the Economic and Organized Crime Control Act [Cap 200 RE 2019]. Section 148 (2) of the said Act provides that the amount of a bail shall be fixed with due regard to the gravity and other circumstances of the case, but shall not be excessive. The Applicants shall accordingly be admitted to bail on conditions and terms, thus;

1. That, the Applicants, severally, shall have one reliable surety each, citizen of the United Republic and residents of the local jurisdiction of the Court who shall each sign a bond of TZS 5,000,000/= (five million shillings).
2. That, the Applicants reliable sureties' identification documents and other pertinent documents, if any, for compliance with bail conditions and terms hereof shall be vetted for approval by the Deputy Registrar, of the Court.
3. That, the Applicants, severally, shall surrender their passports and other travel documents, if any, to Dodoma Regional Central Police Station for safe custody pending the disposal of the Criminal case against them.
4. That, the Deputy Registrar shall ensure that all prerequisite bail conditions and terms hereof are complied with accordingly prior to releasing the Applicants on bail.
5. That, the Applicants, severally, shall not travel outside the local jurisdiction of the Court without prior permission by the Deputy Registrar.

6. That, the Applicants shall appear before the District Court of Kondoa or trial Court, on such dates and times as shall be so scheduled by the said Court.

7. That, the Deputy Registrar, or the District Court of Kondoa, as the case may be, shall ensure that the bail conditions and terms hereof are complied with and maintained accordingly pending the timely disposal of the economic case against the Applicants.

It is hereby so ordered by the Court this 30th day of September, 2021.


GEORGE M. MASAJU

JUDGE

30/9/2021

