

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

**MISC. CRIM. APPLICATION NO. 223 OF 2021**

(Arising from Economic Crime Case No. 18 of 2019 pending at Court of the Resident  
Magistrate for Kibaha)

**ABDALLAH HAMIS@ MATIMBWA@ TALIBAN.....APPLICANT  
VERSUS  
THE REPUBLIC.....RESPONDENT**

**RULING**

13<sup>th</sup> and 15<sup>th</sup> October 2021

**MASABO, J.L.:-**

The Applicant has filed this application by way of a chamber summon made under section 29(4)(d) and 36(1) and (5) of the Economic and Organized Crimes Control Act [Cap. 200 R.E 2019] seeking for immediate release on bail pending trial in Economic Crime Case No. 18 of 2019 before the Court of the Resident Magistrate for Kibaha. The application is accompanied by an affidavit and a copy of the charge sheet for the said Economic Crime Case.

According to the charge the Applicant and one Said Kawambwa are jointly charged of unlawful possession of Government trophies to wit forty-seven (47) elephant tusks worth Tshs 1, 081,357,500/= c/s 86(1), (2) (ii) and (3) (b) 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 Organized Crime Control Act [Cap, 200 R.E 2002). The application was not contested. Ms. Sofa Bimbiga, the learned State Attorney

who appeared for the Republic informed the court that the respondent does not contest the application.

I have given due consideration to the application. Upon examining the charge sheet, I have found it to be within the purview of the provision of Section 29(4) (d) of the Economic and Organised Crimes Control Act, Cap 200 RE 2019 hence, it is completely before this court. Since the application is not contested and the offences facing the applicants are bailable and there are no factors which would inhibit the grant bail, it is in the interest of justice that the application be granted. Accordingly, I allow the application and order that the applicant **ABDALLAH HAMIS@ MATIMBWA@ TALIBAN** be admitted on bail subject to the following conditions:

1. Guided by the principle of sharing, there being two (2) accused persons in the charges facing the applicants in Economic Crimes Case No. 18 of 2019 before the Court of the Resident Magistrate for Kibaha, the applicant, **ABDALLAH HAMIS@ MATIMBWA@ TALIBAN**, shall deposit Tshs. 270,339,375/= (which is Tshs 1,081,357,500/= x 1/2 divided by 2). **ALTERNATIVELY**, he shall deposit a Title Deed of an immovable property of the value not less than Tshs 270,339,375/=. The immovable property shall be within the jurisdiction of this High Court Registry and shall be free from any encumbrance. The other sum of Tshs 270,339,375/= will be executed by signing a bond;
2. The applicant must produce two reliable sureties and each surety shall sign a bail bond in the sum of 20,000,000/=. The sureties must be

resident within the jurisdiction of this High Court registry with recognized place of abode and must have National ID and a letter of introduction from their local authorities;

3. The applicant will not leave the jurisdiction of this court without first obtaining permission from the Resident Magistrate in Charge of the Court of the Resident Magistrate for Kibaha;
4. Each applicant is to surrender his passport and other travel documents to the Resident Magistrate in Charge of the Court of the Resident Magistrate for Kibaha;
5. The applicant shall report to report to the RCO Pwani at a schedule to be provided by the RCO Pwani and shall continue to attend to his case on the date and time scheduled;
6. Verification of the sureties and bond documents shall be executed by the Resident Magistrate in Charge of the Court of the Resident Magistrate for Kibaha.

DATED at DAR ES SALAAM this 15<sup>th</sup> day of October 2021.

15/10/2021



X 

Signed by: J.L.MASABO

**J.L. MASABO**  
**JUDGE**