

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

MISC. ECONOMIC APPLICATION NO. 225 OF 2021

*(Originating from Economic Crimes Case No. 71 of 2020 filed and pending in
Resident Magistrate's Court of Dar es Salaam at Kisutu)*

ANUARY MOHAMED SHAPOO ----- 1ST APPLICANT
ATHANAS NSENYE ----- 2ND APPLICANT
YUSUPH MOHAMED MKUJA @ YUSUPH
NASSORO @ MPEMBA ----- 3RD APPLICANT
PIUS BATWEL NYEGERETI ----- 4TH APPLICANT

VERSUS

THE REPUBLIC ----- RESPONDENT

Date of last order: 05/10/2021

Date of the Ruling: 05/10/2021

R U L I N G

MGONYA, J.

Before me is an Application brought under the Certificate of Urgency by the Applicants namely; **ANUARY MOHAMED SHAPOO, ATHANAS NSENYE, YUSUPH MOHAMED MKUJA @ YUSUPH NASSORO @ MPEMBA** and **PIUS BATWEL NYEGERETI**.

The Application has been made under **Sections 148 (3) and 148 (5) (e) of the Criminal Procedure Act, [Cap. 20**

R.E 2002]; Sections 29(4)(d), 36 (1) (7) of the Economic and Organised Crime Control Act, Cap. 200 [R.E 2002] attached with the Applicants' Joint Affidavit duly affirmed by the Applicants' Advocate, learned Counsel **HASSAN KIANGIO**.

The gist of the instant Application before the Court as well submitted by the Applicants is for this Honourable Court to grant the Applicants bail pending hearing of the **Economic Crime Case No. 71 of 2021** hosted in the Resident Magistrate's Court of the Dar es Salaam at Kisutu.

Responding to the Application, **Mr. GENES TESHA**, the learned Senior State Attorney pronounced before the Court that the Respondent, the Republic herein is not objecting the Application. It is from that stand, **Mr. Tesha** further submitted that, the Republic have been satisfied that the bail to the Applicant be granted in accordance to the legal conditions set in **section 148 (5) (e) of the CPA** and **section 36 (5) (a) of the Economic and Organized Crime Control Act, [R.E 2002] (Supra)** respectively.

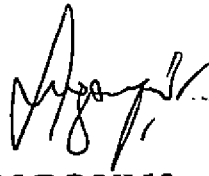
After going through the Applicants' Affidavit and Charge Sheet attached thereto, together with both parties respective submissions in relation to the instant Application, this Honourable Court is satisfied that the Applicants before the court is eligible for bail as prayed.

In the event therefore, **this Honourable Court proceeds to grant the prayer sought by releasing the Applicants on bail** upon fulfilment of the following legal conditions as per the provisions of the **Economic and Organized Crime Act, (Supra)**, respectively as hereunder: -

- (i) The Applicants are to surrender her travelling document(s) i.e. passport of any to the nearest Police Station within the Jurisdiction where the charge arose;*
- (ii) The Applicants are hereby ordered to have two reliable sureties who are in possession of National Identity Card duly issued by NIDA and are ordered to secure bail bond of Tshs. 8,341,686.00 (Eighty Million Three Hundred Forty One Thousand Six Hundred Eighty Six Shillings) only; and*
- (iii) Further, the Applicants herein are restricted from travelling and visiting any place outside the Dar es Salaam Region without express written permission of the Court.*

Consequently, the Application in favour of the above mentioned Applicants is **granted to the extent, terms and conditions stipulated above.**

It is so ordered.

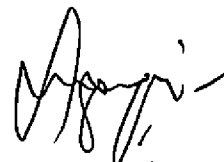


L. E. MGONYA

JUDGE

05/10/2021

Court: Ruling delivered in my chambers in the presence of the Mussa Kyobya and Janeth Bisanda, Advocates for the 1st and 4th Applicants, Hassan Kiangio, Advocate for the 2nd and 3rd Applicants, Mr. Genes Tesha, Senior State Attorney for the Respondent and Ms. Veronica, RMA.



L. E. MGONYA

JUDGE

05/10/2021