

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

**MISC. CRIMINAL APPLICATION NO. 48 OF 2021**

*(Originating from Economic Crimes Case No. 11 of 2019 in the Resident Magistrate's  
Court of Dar es Salaam at Kivukoni)*

**FRANK KIVUYO MOLEL ----- 1<sup>ST</sup> APPLICANT**  
**MASHISHANGA WEJA MKWABI ----- 2<sup>ND</sup> APPLICANT**

***VERSUS***

**THE REPUBLIC ----- RESPONDENT**

***Date of last order: 29/09/2021***

***Date of the Ruling: 29/09/2021***

**R U L I N G**

**MGONYA, J.**

Before me is an Application brought under the Certificate of Urgency by the Applicants namely **FRANK KIVUYO MOLEL** and **MASHISHANGA WEJA MKWABI**.

The Application has been made under **section 148 (1) (2) and 392A (1) (2) of the Criminal Procedure Act, Cap. 20 R.E 2019** attached with the 1<sup>st</sup>, and 2<sup>nd</sup> Applicants' Joint Affidavits duly sworn by the Applicants.

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. 11 of 2019** hosted in the Resident Magistrate's Court of Dar es Salaam at Kivukoni.

Responding to the Application, **Ms. IMELDA MUSHI** the learned State Attorney pronounced before the Court that the Respondent, the Republic herein is not objecting the Application. It is from that stand, Ms. Mushi further submitted that, the Republic have been satisfied that the bail to the Applicant be granted in accordance to the legal conditions set in **sections 148 (1) (2) and 392A (1) (2) of the Criminal Procedure Act, Cap. 20 R.E 2019 (Supra)** respectively.

After going through the 1<sup>st</sup> and 2<sup>nd</sup> Applicants' Joint Affidavits 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 are eligible for bail as prayed.

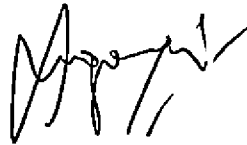
In the event therefore, **this Honourable Court proceeds to grant the prayer sought by releasing the Applicants on bail** upon fulfilment of the following legal conditions as per the provisions of the **Economic and Organized Crime Act**, respectively as hereunder: -

- (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. 1,000,000 (One Million 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**

**29/09/2021**

**Court:** Ruling delivered in my chambers in the presence of the Applicants in person, Ms. Imelda Mushi, State Attorney and Ms. Veronica, RMA.



**L. E. MGONYA**

**JUDGE**

**29/09/2021**