

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

MISC. CRIMINAL APPLICATION NO. 178 OF 2021

*(Originating from Economic Crimes Case No. 100 of 2018 in the Resident
Magistrate's Court of Dar es Salaam at Kisutu)*

SHUKURU AZIZI MCHEGAGE ----- 1ST APPLICANT

RESPICIUS DAUDI ISHENGOMA

RUTASHUBILWA @ MTASHU ----- 2ND APPLICANT

VERSUS

THE REPUBLIC ----- RESPONDENT

Date of Last order: 20/08/2021

Date of the Ruling: 20/08/2021

R U L I N G

MGONYA, J.

Before me is an Application brought under the Certificate of Urgency by the Applicants namely **SHUKURU AZIZI MCHEGAGE** and **RESPICIUS DAUDI ISHENGOMA RUTASHUBILWA @ MTASHU**.

The Application has been made under **section 29 (4) (d) and 36 (1) of the Economic and Organised Crimes Control Act, Cap. 200 R.E 2019** attached with the Applicants' Affidavit duly affirmed by the Applicants' Advocate, learned Counsel **STEVEN BWANA**.

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. 100 of 2021** hosted in the Resident Magistrate's Court of Dar es Salaam at Kisutu before Hon. Isaya, Senior Resident Magistrate.

Responding to the Application, **MS. JACKLINE NYANTORI**, 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, **Ms. Nyantori** 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 36 of the Economic and Organized Crime Control Act (Supra)** respectively.

After going through the 1st and 2nd Applicants' Joint 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 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 deposit into Court a cash sum of Tshs. 177,000,000/= (One Hundred Seventy Seven Million Shillings) or in Alternative, to deposit into a court Title Deed/(s) of immovable property (duly certified by the professional valuer) equivalent to the above mentioned sum;***
- (ii) The Applicants are to surrender their travelling document(s) i.e. passport of any to the nearest Police Station within the Jurisdiction where the charge arose;***
- (iii) The Applicants are hereby ordered to have each two reliable sureties; and***
- (iv) 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

20/08/2021

Court: Ruling delivered in my chamber in the presence of Mr. Steven Bwana, Advocate for the Applicants, Ms. Jackline Nyantori, Senior State Attorney for the Respondent and Ms. Veronica, RMA this 20/08/2021.



L. E. MGONYA

JUDGE

20/08/2021