

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

AT DAR ES SALAAM

**CONSOLIDATION MISC. CRIMINAL APPLICATION NO.
106 OF 2021**

*(Arising from Economic Case No. 100 of 2020 between the Republic and
Mariagoreth Cosmas Kunzugala @ Bonge 12 others)*

HENRY EVAREDY MBOWE 1ST APPLICANT

AGRIPINA SALES KOMBA 2ND APPLICANT

ZUBEDA RAJABU MJEWA 3RD APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

Date of Last Order: 02/07/2021

Date of Ruling: 02/07/2021

R U L I N G

MGONYA, J.

Before the Court is the Consolidated **Misc. Criminal Application No. 102 of 2021** from other **Misc. Criminal Applications No. 106/2021, 107/2021 and 101/2021** respectively brought under the Certificate of Urgency by Seven Applicants namely:

- **MWANAKHEIR MAKAME OMARY**
- **ZAITUNI SADIKI CHIHIPO @ ZAI**
- **HENRY EVAREDY MBOWE**
- **AGRIPINA SALES KOMBA**

- **ZUBEDA RAJABU MJEWA**
- **MARIAGORETH COSMAS KUNZUGALA**
- **CECILIA ADRIAN MAPANDE** respectively through their learned Advocates Mr. Mashaka Ngole, Mr. Tony Richard Mushi and Ms. Jenipher Sintala respectively.

The said Applications have been made under **section 36 (1) of the Economic and Organized Crime Control Act, Cap. 200 and sections 148 (1) and 148 (3) of the Criminal Procedure Act, Cap. 20 [R.E. 2019]** duly attached with the Applicants' respective Affidavits.

The gist of the instant Applications before the Court is for this Honorable Court to grant the Applicants bail pending hearing and determination of the **Economic Crime Case No. 100 of 2020** hosted in the Resident Magistrate's Court at Kisumu in Dar es Salaam before Hon. Isaya, SRM.

In the cause of hearing of the instant Consolidated Applications, Ms. Mushi the learned State Attorney for the Respondent pronounced before the Court their intention not to object the Application. It is from that stance, Advocate Mashaka Ngole prayed the Applicants' applications for bail be granted with legal conditions pending the hearing and determination of the Economic Case pending hearing at Kisumu RM's Court.

After going through the Applications and Charge Sheet attached thereto, together with both sides respective submissions in relation of the instant Applications, this Honourable Court is satisfied that all seven Applicants herein are eligible for bail as prayed.

In the event therefore, this Honorable Court proceeds to grant the prayer sought by releasing all the seven Applicants on bail upon fulfillment of the following legal conditions as per the provisions of the **Criminal Procedure Act, Cap. 20 [R.E. 2019]** and under the bail provisions as stipulated under the **Economic and Organized Crime Act, Cap. 200 [R.E. 2019]**. The said conditions are as hereunder:

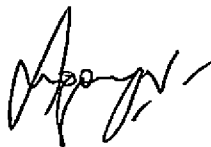
- (i) Each of the Applicant is to deposit into Court a cash sum of Tshs. 177,000,000/= (One Hundred Seventy Seven Million Shillings) or in Alternative, to deposit into a court Title Deed/(s) of immovable property (duly certified by the professional valuer) equivalent to the above mentioned sum;*
- (ii) Each of the Applicant is to surrender his/her travelling document(s) i.e. passport if any to the nearest Police Station within the Jurisdiction where the charge arose;*

- (iii) Every Applicant is hereby ordered to have two reliable sureties; and***
- (iv) All Applicants herein are restricted from travelling and visiting any place outside the Dar es Salaam Region without express written permission of the Court.***

Consequently, all the above mentioned and consolidated Applications in favour of the above mentioned Applicants herein are **granted** to the extent, terms and conditions stipulated above.


It is so ordered.




L. E. MGONYA
JUDGE
02/07/2021

Court: Ruling delivered in my chambers in the presence of Ms. Immelda Mushi, State Attorney for the Respondent, Mr. Mashaka Ngole, Advocate, Mr. Richard Mushi, Advocate and Ms. Jenipher Sintala, Advocate for the Applicants and Ms. Msuya RMA, this 02nd day of July, 2021.




L. E. MGONYA
JUDGE
02/07/2021